

Whistleblower Response to the Agency Report

OSC File DI-20-000914

FAA Oversight of
Contract Pilot Training Centers/Providers

19 April 2022

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Safety Concern

When the Federal Aviation Administration (FAA) failed to act, I alerted the Office of Special Counsel (OSC) that commercial airlines may have operated aircraft carrying passengers and/or cargo for hire using pilots who may have attended training at a contract training center/provider whose authorization had ceased.

The Department of Transportation Office of Inspector General (DOT-OIG) Report substantiated that FAA records showed hundreds of certificate holders who failed to audit their contracted training programs at least every 24 months as required by FAA OpSpec/MSpec/LOA A031 (paragraph A031).

The DOT-OIG Report appears to have overlooked my other reported concerns which I understand were also referred by the Office of Special Counsel (OSC) to the Secretary, Department of Transportation (DOT). These other safety concerns include;

- FAA certificate holders may have used outsourced training programs beyond their audit expiration date, placing the public's safety in jeopardy.
- FAA is systemically unable to ensure that certificate holders are held to regulatory safety requirements.

As you read the Agency Report and my Whistleblower Response remember the following.

1. An Air Carrier/Operator **must obtain** Operations Specifications.¹
 - FAA Policy states *"For those regulations that are broad and not overly prescriptive, there is often room for more than one acceptable method of compliance. OpSpecs provide an effective method for establishing safety standards that address a wide range of variables that are not specifically accounted for in regulation²".*

¹ <https://www.transportation.gov/policy/aviation-policy/licensing/US-carriers>

² FAA Order 8900.1, Volume 3, Chapter 3, Section 1, Paragraph 3-679

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2. An Air Carrier/Operator **must comply** with their FAA Approved Operations Specifications (14 CFR §119.5) and their other approved programs (14 CFR Part 121 Subpart N or section Part 135 Subpart H).
3. A fractional owner and/or fractional ownership program manager **must comply** with their Management specifications (§91.1015).
4. The FAA approved the Operations Safety System (OPSS) A031 paragraph which states in part “*subsequent **audits must be conducted by the certificate holder at least once every 24 calendar months.** The date of the most recent audit must be recorded in Table 1”.*
5. FAA Policy states *if an operator does not conduct the required 24-month audit, their authorization to use the training center/provider **will cease on the last day of the 24th month following the date of their last audit.***
6. More likely than not the FAA approved training program(s) also included a requirement for a certificate holder to audit a contract training provider/center at least once every 24 months or anytime that a major change affects the certificate holders outsourced flight crew training.
7. Why didn’t the Agency Report include a root-cause analysis to help the reader understand the reason so many FAA certificate holders missed the expired training audits dates on OPSS A031 for so many years?
 - How effective is the certificate holders internal audit program if it cannot identify and resolve an expired or expiring due date printed on a FAA and Industry signed OPSS paragraph?
 - ❖ In an effort to reduce or eliminate systemic concerns such as this, the OSC should request that the DOT determine the root cause(s) related to these types of reported issues and develop strategies to prevent reoccurrence.
8. Why doesn’t the Agency Report include a root-cause analysis to help the reader understand the reason why FAA oversight failed to identify expired or expiring training audit dates listed on FAA Approved OPSS paragraphs?

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- Do FAA Inspectors have the proper tools to perform effective safety oversight?
 - Is FAA Policy adequate?
 - Is FAA Training adequate? For many years the FAA has been shifting away from in person (classroom or virtual) learning to remote learning that generally requires the student to click through a series of PowerPoint type pages to receive credit for the course. This transition away from in-person learning has accelerated during the COVID pandemic.
 - ❖ In an effort to reduce or eliminate systemic concerns such as this, the OSC should request that the DOT determine the root cause(s) related to these types of reported issues and develop strategies to prevent reoccurrence.
9. Did the assigned FAA Inspectors fail to notify certificate holders of expiring/expired training audits dates shown on OPSS A031 paragraphs or office files?
10. Did FAA Inspectors follow National Policy to list the date of the most recent audit into Table 1 of the A031 OPSS or MSpec?
11. Did FAA Inspectors fail to use their authority to amend OPSS to remove training centers/providers that were not audited in accordance their FAA approved program(s)?
12. Does the FAA know the total number of pilots who attended training centers/providers that were not properly audited over the past decade?
13. Has FAA Office of the Chief Counsel (AGC) issued a legal opinion about pilots who may have attended training at a facility whose authorization ceased on the last day of the 24th month following the date of their last audit?
14. Did any pilot operate an aircraft (with commercial passengers/cargo) after attending a training center/provider whose authorization ceased on the last day of the 24th month following the date of their last audit?

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15. Given that this type of hazard may have existed for over a decade, did the certificate holders and FAA ensure the highest level of safety in the public interest?- (49 U.S. Code § 44702)

Background

On October 29, 2018, Lion Air Flight 610 crashed shortly after departing Jakarta, Indonesia, resulting in 189 fatalities. Five months later, on March 10, 2019, Ethiopian Air Flight 302 crashed shortly after departing Addis Ababa, Ethiopia, resulting in 157 fatalities, including 8 Americans. These two fatal accidents have once again drawn widespread attention to FAA's oversight and certification practices, including the Agency's process for establishing pilot training requirements for the aircraft³.

For over two decades the FAA has informed its employees and the airline industry about its expectations and requirements related to audits of contract pilot training centers/providers. In fact many FAA Inspectors approved pilot training programs that included requirements to perform initial and recurrent audits.

The requirement to perform an audit was so important that FAA Order 8900.1, Volume 3, Chapter 18 states *if an operator does not conduct the required 24-month audit, their authorization to use the training center/provider will cease on the last day of the 24th month following the date of their last audit.*

In an effort to prevent another tragic accident, incident or occurrence related to pilot training I alerted the Office of Special Counsel (OSC) of a possible violation of law, rule, or regulation; gross mismanagement; and a substantial and specific danger to public safety by employees of the Federal Aviation Administration (FAA), Aviation Safety Office.

Events related to Pilot Training /Audits

- On December 1, 1993, an Express II Airlines, Inc., Flight 5719, a Jetstream BA-3100, N334PX was operating as a regularly scheduled flight under 14 CFR Part

³ <https://www.oig.dot.gov/library-item/37718>

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135 from Minneapolis/St. Paul International Airport, St. Paul, Minnesota, to International Falls, Minnesota, with an en route stop at Hibbing, Minnesota. The flight was operated by Express II Airlines Inc., under the terms of a marketing agreement with Northwest Airlines, Inc., as Northwest Airlink. The airplane collided with terrain while on the localizer back course approach to runway 13 at Hibbing. The 2 flight crewmembers and all 16 passengers were fatally injured in the accident. The airplane was destroyed.⁴

- NTSB Recommendation A-94-113. Develop specific guidance for the evaluation and oversight of contract training programs used by air carriers and incorporate such guidance into FAA Order 8400.10 for FAA principal inspectors to use in approving training programs.
- On January 1, 1999 the FAA issued Flight Standards Handbook Bulletin (HBB) for Air Transportation (HBAT) 99-01 titled Outsourced Flightcrew Training: Audit by Operators and Use of OpSpecs Paragraph A031. *This handbook bulletin discussed a mandatory self-audit program is outlined which applied to any 14 CFR part 121 or part 135 air carrier arranging with a training provider named in section 121.402(a) or section 135.321(a)(1) to provide major contract training for its flightcrews; such training arrangements are informally known as outsourced training.*
 - **This bulletin also explained the required use of OpSpecs paragraph A031 to record FAA approval of certain contract training arrangements.** The bulletin also showed that **OpSpecs paragraph A031 became the only appropriate place to record outsourced flightcrew training arrangements approved by the FAA.**
- In 2008 the FAA issued Notice 8900.37 which stated “Recent audits of a number of operators conducting contract training using 142 training centers have shown that there may be situations where certain individuals were not properly trained

⁴ NTSB Accident Report DCA94MA022

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in the operator's program prior to conducting required training and/or testing/checking. Additionally, some operators were unsure of their biennial audit requirements and were not providing adequate oversight and operational control over their training program".

- This notice required FAA POIs to *"review of each of their operator's training program(s) and OpSpec/MSpec paragraph A031 to ensure that operators authorized to contract for training services with part 142 training centers are in compliance with the provisions of their applicable operating regulations, and the authorizations contained in paragraph A031 of their OpSpec/MSpec"*.
- In 2011, the Department of Transportation (DOT) Office of Inspector General (OIG) reported that *"FAA's oversight of air carriers' pilot training and proficiency programs lacks the rigor needed to identify and track poor performing pilots and address potential program risks"*⁵.
 - The DOT OIG web site at <https://www.oig.dot.gov/library-item/28692> shows that **the following recommendation related to pilot training has remained OPEN for over a decade.**
 - *No. 3 to FAA - Develop a standardized procedure for air carriers to report failures of pilot proficiency checks, as well as remedial and recurrent flight training to FAA, and require inspectors to monitor trends and target surveillance to highest risk areas.*
- In 2012, the General Accountability Office (GAO) reported that *"analysis of FAA inspection data found that the agency does not have a comprehensive system in place to adequately measure its performance in meeting annual inspection requirements for pilot schools and pilot examiners, which could make it difficult to ensure regulatory compliance and that safety standards are being met"*⁶.

⁵ DOT OIG Report Number: AV-2012-027

⁶ GAO Report GAO-12-537T

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- In 2017 the DOT OIG “*found that FAA’s processes are insufficient to ensure that required training and observations for check pilots and APDs are completed or documented prior to approval*”⁷.
- In 2019 a FAA whistleblower alerted the OSC (File No. DI-19-3959) of safety and policy/regulatory concerns related to the training of commercial pilots.
 - In 2022 the DOT-OIG substantiated that FAA Principal Inspectors have failed to ensure that training centers are conducting only FAA-approved training curriculum and
 - Pilots and flight crewmembers may have obtained certification based upon expired training courses.
- In 2020, the same whistleblower alerted the OSC (File DI-20-000914) about other safety and policy/regulatory concerns related to training of commercial pilots.
- In 2022, the DOT-OIG substantiated the whistleblower’s allegation that FAA records showed hundreds of certificate holders who failed to audit their contracted training programs at least every 24 months as required by FAA OpSpec/MSpec/LOA A031 (paragraph A031).

⁷ DOT OIG Report Number: AV2017050

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Whistleblower Comments about Agency Report

- **FAA Statement-** *The OIG investigation into the disclosure found that for hundreds of certificate holders, WebOPSS data reflected that they had not conducted an audit of their contracted training programs within the required 24-month period..*

Whistleblower Response - FAA policy states *if an operator does not conduct the required 24-month audit, their authorization to use the training center/provider will cease on the last day of the 24th month following the date of their last audit.*

- ❖ The FAA Office of the Chief Counsel (AGC) should issue a legal opinion about the pilots who received any training at a contract pilot facility whose authorization ceased on the last day of the 24th month following the date of their last audit?
 - ❖ AGC should determine if the training is/was valid if the airman received any training that was not in accordance with the certificate holders approved program?
- **FAA Statement-** *On January 31, 2022, this same official, who is now a manager with the FAA Training and Certification Group (AFS-810), provided OIG with the then current version of the WebOPSS spreadsheet. The spreadsheet had 4,072 separate records of certificate holders, operators, and program managers, with 383 of those records showing an overdue 24-month audit due date.*

Whistleblower Response- It is extremely disappointing that even after my 2020 whistleblower complaint the FAA still acknowledges there are almost 400 commercial operators who still may not be in compliance with their FAA approved OPSS and/or pilot training program. And this is permitted by the FAA?

- **FAA Statement-** *The expired due dates ranged from May 1, 2009, to October 2, 2020, meaning the most recent audit dates ranged from May 1, 2007, to October 2, 2018.*

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Whistleblower Response- It is shocking that the FAA acknowledged noncompliance with training center/provider audits going back to May 1, 2009.

Where was FAA oversight for the past decade?

- **FAA Statement-** *FAA does not view the overdue audit dates as evidencing a safety risk.*

Whistleblower Response- Then why for over 20 years has the FAA required initial and recurrent audits of contract training centers/providers and the dates of those audits to be listed in OPSS A031 and/or approved training program?

The whistleblower provided the OSC hundreds of examples showing specifically which commercial operators had expired training dates listed in OPSS A031.

This concern was substantiated. It is also reasonable to assume that some of these certificate holders may have operated aircraft in commercial service using pilots who were trained at a center/provider that had not been audited in accordance with their FAA Approved OPSS and/or FAA approved training program.

In my 25+ year career with the FAA, noncompliance with the regulations and/or FAA approved program(s) is a significant safety risk that must be mitigated.

- **FAA Statement-** *- In multiple responses to OIG, FAA acknowledged that WebOPSS data showed certificate holders with out-of-date audits. “FAA stated, however, that the 24-month audit is not a regulatory requirement and is instead an administrative issue prescribed under FAA policy. According to FAA, paragraph A031 is not the method by which FAA approves certificate holder training.*

Whistleblower Response- The Agency statement is contrary to written policy. FAA Order 8900.1, Volume 3, Chapter 54, Paragraph 3-4415 A.2) shows The approval for a CH to use a part 142 training center or other provider in the conduct of their required training is authorized through the issuance of OpSpec A031.

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Furthermore, Title 49 of the United States through the Secretary of Transportation, empowers the FAA to issue certificates to qualified air operators. Title 49 requires each air carrier certificate to include the terms, conditions, and limitations reasonably necessary to ensure safety in air transportation. **Included in FAA certificates is a stipulation that those operations must be conducted in accordance with the provisions and limitations specified in the OpSpecs.**

- An Air Carrier/Operator **must obtain** Operations Specifications.⁸
- An Air Carrier/Operator **must comply** with their FAA Approved Operations Specifications (14 CFR §119.5) and their other approved programs (14 CFR Part 121 Subpart N or section Part 135 Subpart H).
- A fractional owner and/or fractional ownership program manager **must comply** with their Management specifications (§91.1015).
- The FAA approved and signed the OPSS A031 paragraph which states in part “*subsequent **audits must be conducted by the certificate holder at least once every 24 calendar months.** The date of the most recent audit must be recorded in Table 1”.*
- FAA Policy states *if an operator does not conduct the required 24-month audit, their authorization to use the training center/provider **will cease on the last day of the 24th month following the date of their last audit.***
- More likely than not the FAA approved training program(s) also included a requirement for a certificate holder to audit a contract training provider/center at least once every 24 months or anytime that a major change affects the certificate holders outsourced flight crew training.

OpSpec/MSpec/LOA A031 authorizes a certificate holder/operator/program manager to enter into a contract with an outside training organization to conduct the training, testing, and/or checking of crewmembers (pilots, Flight Engineers

⁸ <https://www.transportation.gov/policy/aviation-policy/licensing/US-carriers>

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(FE), and flight attendants (F/A)), aircraft dispatchers (part 121 domestic and flag), or other persons authorized to exercise operational control (part 121 supplemental) required by the applicable 14 CFR part⁹.

- ❖ The DOT-OIG should determine if FAA Inspectors followed national policy by entering the most recent audit date in Table 1 of OpSpec A031.
- ❖ The DOT-OIG should determine if the A031 Audit Date matches official office correspondence.
- ❖ The Agency Report shows that the A031 OPSS paragraph does not contain any regulatory requirement. If this is now the case, the FAA should communicate this change to the National Transportation Safety Board (NTSB) who referenced the “requirement” to conduct an audit every 24 calendar months, per Operations Specifications A031 in an Accident Report (CEN17MA183).

Trans-Pacific was required to conduct an audit of CAE Simuflite training to ensure compliance with its Approved Training Program every 24 calendar months, per Operations Specifications A031. The most recent audit occurred on March 21, 2016¹⁰.

- **FAA Statement-** *“FAA does not view the overdue audit dates as demonstrating a safety risk”.*

Whistleblower Response- 14 CFR generally prohibit any person engaged in 14 CFR part 91K, 121, 125, 135, 142, or 145 operations from conducting those operations either without OpSpecs or in violation of the OpSpecs.¹¹

The Agency Report acknowledged that this noncompliance goes back over a decade however still does not view these concerns as demonstrating any safety risk.

⁹ FAA Order 8900.1, Volume 3, Chapter 3, Section 3

¹⁰

<https://data.nts.gov/Docket/Document/docBLOB?ID=40459771&FileExtension=.PDF&FileName=Operations%2FHuman%20Performance%20Group%20Chairman%27s%20Factual%20Report-Master.PDF>

¹¹ FAA Order 8900.1, Volume 3, Chapter 18, Section 1, paragraph 3-680

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It is further troublesome that that FAA could not identify any safety risk whatsoever (High, Medium or Low) associated with Air Carriers and/or Operators using contract pilot training centers/providers who were no longer authorized to conduct training for that certificate holder when they failed to perform a required audit in accordance with their FAA Approved Training Program.

Per policy, FAA Inspectors were supposed to record the date of last audit on OPSS A031. If FAA Inspectors did not accurately record the date of last inspection per FAA Policy the FAA should describe the initiatives being taken to prevent reoccurrence. If the date of the last audit was properly listed then the training provider/centers was no longer authorized to be used.

- ❖ The FAA should describe in detail how they believe Inspectors not following National policies and regulations related to auditing pilot training Center/Providers is not a safety risk.

It is reasonable to assume that some of these certificate holders may have operated aircraft in commercial service using pilots who were trained at a center/provider that had not been audited in accordance with their FAA Approved OPSS and/or FAA approved training program. Not only would this be a violation of §119.5 but may also violate sections of §121, §135 or §91.

- ❖ The DOT should conduct an audit of the FAA to ensure agency employees have proper training and tools to understand and support Safety Risk Management.
- ❖ I recommend that the OSC request that the DOT-OIG include in the Agency response the FAA's safety risk analysis of these reported concerns.

- **FAA Statement-** *In the email, the senior technical advisor stated that if the most recent audit date is outside the required timeline, principal inspectors "should work with the operator(s) and initiate an OpSpec amendment."*

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Whistleblower Response- FAA Order 8900.1 states *“If an operator does not conduct the required 24-month audit, their authorization to use the training center/provider will cease on the last day of the 24th month following the date of their last audit. Operators may reapply to use the training center/provider by completing the application process outlined in accordance with the provisions of subparagraph 3-4414A...”*

- ❖ The Agency Report should include an FAA Office of the Chief Counsel (AGC) determination that pilot training was valid if the airman received any training at a facility whose authorization ceased on the last day of the 24th month following the date of their last audit?
 - ❖ The Agency Report should include a corrective action plan to resolve the overdue audits listed on existing A031 paragraphs.
- **FAA Statement-** *According to the email, these recommendations would address “common scenarios that are raised as questions” concerning paragraph A031 within GASA.*

Whistleblower Response- These are only recommendations from one individual. A review of National FAA Policy on 3/28/2022 shows that none of these recommendations have been incorporated into official FAA Policy.

For many years I have also alerted FAA Management about concerns related to OPSS. Many of my safety recommendations related to OPSS policies, automation and training have been outright rejected or not accepted by the FAA Office of Accident Investigation & Prevention (AVP) and/or the Flight Standards Service (AFX). Many activities and workarounds are based on tribal knowledge rather than written policy.

- (1) FAA Policies do not require FAA Inspectors to acknowledge changes to National policy.
- (2) The FAA changes national guidance many times each month or even

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several times in one day.

(3) A hazard exists where national policy changes and the inspector or management does not even know about the change.

(4) FAA Training does not currently provide structured instruction on implementing new policy changes or understanding expectations.

On March 24, 2022 I submitted 5 Safety Recommendations to the FAA on these hazards. AVP rejected all of these safety recommendation on the same day.

- **FAA Statement-** *“However, POIs are highly encouraged to establish a system for monitoring the 24 month audit due dates (i.e. monthly, quarterly) to ensure the audits are current and meet the requirements of the approved training program(s).”*

Whistleblower Response- So FAA Inspectors *"are encouraged"* but not required. This statement by the FAA obviously shows a weakness with FAA Oversight, Training, Automation and Policy.

Effective audits by the certificate holder and FAA would allow each of them to focus its limited resources on areas of greatest risk. When FAA Inspectors and Certificate holders do not confirm to national standards and expectations this may lead to an unintended consequence.

- **FAA Statement-** *Based on a sample of the past-the-due-date records, the officials estimated that around 90% resulted from administrative issues, such as the POI failing to reissue paragraph A031 after an operator ceased using an aircraft or the failure to remove a specific training center curriculum from paragraph A031 despite an operator no longer using that curriculum*

Whistleblower Response- *“POI failing”*, so what is the FAA Executive Leadership doing to ensure FAA Inspectors follow national policy?

What is the FAA doing to clarify or reinforce inspector expectations related to

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OPSS data quality or any other data quality concern¹²? FAA policy should be revised to clarify expectations related to OPSS paragraphs that are not current.

Additionally, since POIs were supposed to (in accordance with FAA Policy) record the date of last audit on OPSS A031 it is reasonable to assume that this date represents the date of the last audit.

If FAA Inspectors did not accurately record the date of last inspection per FAA Policy the FAA should describe the initiatives being taken to prevent reoccurrence. If the date of the last audit was properly listed then the training provider/centers was no longer authorized to be used if the audit had not been performed in a timely manner.

- ❖ The FAA should describe in detail how they believe POIs and certificate holders not following written policies and/or regulations related to auditing pilot training Center/Providers in accordance with the FAA Approved Training Program is not a safety risk.

- **FAA Statement-** FAA officials, however, do not view the paragraph A031 matter as a safety issue.

Whistleblower Response- FAA OMS document AFS002-206 states “*The Operations Safety System (OPSS) Web-based OPSS (WebOPSS) is the system used to administer regulatory documents that apply the conditions and limitations of Title 14 of the Code of Federal Regulations (14 CFR) to air operators and air agencies*”.

FAA Policy clearly states a certificate holder or program manager **must comply** with the following limitations and provisions to operate under the authority granted by OpSpec/MSpec A031.

- Part [91K](#) program managers **must** also conduct a review and audit of each training agreement and organization at least once every 2 calendar-years

¹² OSC DI-20-000754

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from the date shown in the “Audit Date” column of Table 1 of A031. The date of the most recent audit **must** be entered into Table 1 of MSPEC A031.

- Parts 121 and 135 certificate holders **must**...Conduct initial and recurring audits of each training agreement and organization. The date of the most recent audit **must** be entered into Table 1 of OpSpec A031.
- FAA Order 8900.1, Volume 1, Chapter 1, Section 1. Paragraph 1-5 A. states “*Directive information is information considered directive in nature, contains terms such as “shall,” “will,” or **“must,” and means the actions are mandatory.** “Must not” or “shall not” prohibits the action. **The use of these terms will leave no flexibility, and inspectors must follow their direction** unless otherwise authorized by the applicable division manager in accordance with subparagraph 1-3A.”*

FAA Policy goes on to state “**if an operator does not conduct the required 24-month audit, their authorization to use the training center/provider will cease on the last day of the 24th month following the date of their last audit**”..

If the Agency has determined that the FAA Approved A031 Operations Specifications are no longer regulatory or supports safety, then why does the FAA still require all certificate holders who wish to use a contract pilot training center/provider required to obtain the OPSS paragraph?

- ❖ The FAA should discontinue the regulatory burden of requiring the use of the A031 OPSS paragraph if it is no longer provides value or does not support safety.
- **FAA Statement-** According to the FAA management officials, the certificate holder’s responsibility arises pursuant to FAA policy rather than regulation.

Whistleblower Response- Title 49 of the United States Code through the Secretary of Transportation, empowers the FAA to issue certificates to qualified air

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operators. Title 49 requires each air carrier certificate to include the terms, conditions, and limitations reasonably necessary to ensure safety in air transportation. Included in FAA certificates is a stipulation that those operations must be conducted in accordance with the provisions and limitations specified in the OpSpecs

FAA Order 8900.1, Volume 3, Chapter 54, Section 5, paragraph 3-4415 A.2) states *The approval for a CH to use a part 142 training center or other provider in the conduct of their required training is authorized through the issuance of OpSpec A031.*

- **14 CFR §91.1015 shows each person conducting operations under this subpart or furnishing fractional ownership program management services to fractional owners must do so in accordance with management specifications...**
- **14 CFR §119.5 shows *No person may operate an aircraft under this part, part 121 of this chapter, or part 135 of this chapter in violation of an air carrier operating certificate, operating certificate, or appropriate operations specifications issued under this part.***

I disagree with the management official that the certificate holder's responsibility arises pursuant to FAA policy rather than regulation. FAA Policy is just that FAA Policy. Certificate holders are required to comply with regulations, operations specifications and FAA approved programs.

If the Agency has determined that the FAA Approved A031 Operations Specifications are no longer regulatory nor supports safety, then why has the FAA for over 20 years required all certificate holders who wish to use a contract pilot training center/provider to obtain the OPSS paragraph and conduct initial/recurrent audits?

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- ❖ The FAA should discontinue use of the A031 OPSS paragraph if it is only based on FAA Policy rather than rule. It is my opinion that once the OPSS is approved and issued by the FAA it becomes a regulatory requirement.
- **FAA Statement-** Flight Standards Service leadership will also continue outreach to ASIs reminding them of the requirement to document completion of the 24-month audit on OpSpec A031 until the revisions are implemented.

Whistleblower Response- The report should define “*continue outreach*” efforts and due dates. As a field inspector I have not heard anything from the FAA leadership about this reported concern or any of the other concerns referenced in this response.

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FAA Regulations

14 CFR §91.1015 Management specifications.

(a) Each person conducting operations under this subpart or furnishing fractional ownership program management services to fractional owners must do so in accordance with management specifications issued by the Administrator to the fractional ownership program manager under this subpart. Management specifications must include:

- (2) The authorizations, limitations, and certain procedures under which these operations are to be conducted,
- (10) Any other information the Administrator determines is necessary.

14 CFR §119.5 Certifications, authorizations, and prohibitions.

(g) No person may operate as a direct air carrier or as a commercial operator without, or in violation of, an appropriate certificate and appropriate operations specifications. No person may operate as a direct air carrier or as a commercial operator in violation of any deviation or exemption authority, if issued to that person or that person's representative.

(l) No person may operate an aircraft under this part, part 121 of this chapter, or part 135 of this chapter in violation of an air carrier operating certificate, operating certificate, or appropriate operations specifications issued under this part.

FAA Policies

FAA Order 8900.1, Volume 10, Chapter 5

- *“Quality data provides a reliable measurement for the principal inspector (PI)/certification project manager (CPM) to assess the design and performance of a certificate holder’s or applicant’s system. Poor-quality data is incoherent and*

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does not reflect real-world conditions. Even accurate data that is redundant or not interpretable by the user is of little value. Deficient data is mostly unusable. Poor-quality data can impact operational cost, cause difficulty in setting and executing strategy, and create less effective decision making.”

FAA Order 8900.1, Volume 3, Chapter 2

- *“Critical thinking is essential because it is not possible for the FAA to draft policy or guidance sufficient to cover every conceivable set of issues and circumstances that can arise in the NAS. Critical thinking involves using judgment, experience, expertise, and background when assessing and analyzing the situation...”*

FAA Order 8900.1, Volume 3, Chapter 18

- *“All three PIs are responsible for the oversight and coordination of the authorizations granted by the issuance of the OpSpecs/MSpecs and, in some cases, LOAs.”*
- *Additional Limitations and Provisions—Part 91K. Part 91K program managers must also conduct a review and audit of each training agreement and organization at least once every 2 calendar-years from the date shown in the “Audit Date” column of Table 1 of A031. This review and audit must include an evaluation of the items listed in subparagraphs C1) through 6). Each audit with evaluation must be submitted to the program manager’s Principal Operations Inspector (POI) no later than the last business-day of the month following the due month. The date of the most recent audit must be entered into Table 1 of MSpec A031.*
- *Parts 121 and 135. Parts 121 and 135 certificate holders must also:*
 - 1) *Conduct a standardization review of each training organization and provide the results of this review to the certificate holder’s POI. A satisfactory standardization review must be submitted to the POI prior to*

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the issuance of OpSpec A031 and the beginning of contract training, testing, and/or checking.

2) Conduct initial and recurring audits of each training agreement and organization. Each audit must include an evaluation of the items listed above in subparagraphs C1) through 6), including an in-person evaluation of actual training, testing, and/or checking being conducted by the training organization for the certificate holder's crewmembers and/or aircraft dispatchers. The date of the most recent audit must be entered into Table 1 of OpSpec A031.

- *“Ongoing audits will be conducted at least every 24 months in order for the operator to continue to use the training center/provider. Guidelines for the scope and content of the operator standardization and audit program are located on the AFS-280 website. Additional information is contained in paragraph 3-4416. **If an operator does not conduct the required 24-month audit, their authorization to use the training center/provider will cease on the last day of the 24th month following the date of their last audit. Operators may reapply to use the training center/provider by completing the application process outlined in accordance with the provisions of subparagraph 3-4414A above.**”*

FAA Order 8900.1, Volume 3, Chapter 54

- Paragraph 3-4415 A.2) shows the approval for a CH to use a part 142 training center or other provider in the conduct of their required training is authorized through the issuance of OpSpec A031.

FAA Operations Specifications

OpSpec/MSpec/LOA A031 authorizes a certificate holder/operator/program manager to enter into a contract with an outside training organization to conduct the training, testing, and/or checking of crewmembers (pilots, Flight Engineers (FE), and flight attendants (F/A)), aircraft dispatchers (part 121 domestic and flag), or other persons authorized to

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exercise operational control (part 121 supplemental) required by the applicable 14 CFR part.

Operations Safety System (OPSS) A031 template,

- Paragraph g states *“the certificate holder must ensure that all arrangements made with each training organization listed in Table 1 below are fully compliant with these operations specifications, the certificate holder’s approved training program, the Code of Federal Regulations and in no way contrary to them.”*
- Paragraph j states *“the certificate holder must conduct initial and recurring audits of each training agreement and organization listed in Table 1 of this operations specification. Each audit must include an evaluation of at least the items listed in subparagraphs b through h above. The first audit is due within 60 days of the commencement of training or checking operations, and subsequent audits **must be** conducted by the certificate holder at least once every 24 calendar months. The date of the most recent audit **must be** recorded in Table 1. Each audit with evaluation must be presented to the certificate holder’s POI for review and acceptance not later than the last business day of the month following the due month for such audits.”*

Other- FAA Links to OPSS A031 /Audit information

- https://www.faa.gov/pilots/training/air_carrier_contract/acc_trng_program/
- www.faa.gov/pilots/training/part_142/media/A031_audit.docx
- www.faa.gov/pilots/training/part_142/media/A031_standardization_review.docx
- <https://webopss.faa.gov/Resources/Help/WebOPSSOrientation.pptx>

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FAA Safety Recommendations

49 U.S. Code § 106 (t) - established in the Federal Aviation Administration the Office of Whistleblower Protection and Aviation Safety Investigations (FAA Office of Audit and Evaluation). US Code states that not later than November 15 of each year, the Director shall submit to Congress a report containing—

- Information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding fiscal year;
- Summaries of those submissions;
- Summaries of the resolution of those submissions, including any further investigations and corrective actions recommended in response to the submissions;
- Summaries of the responses of the Administrator to such recommendations;...

The Annual Reports to Congress¹³ from the FAA reference some of my previous Whistleblower or Hotline submissions. It is important to note that these public reports lack substance since they typically exclude summaries related to FAA employees who submit Hotline concerns.

These reports (and other internal records) should be reviewed in an effort to understand the safety culture within the FAA and the basis for some of my safety recommendations. It is disappointing to see the Aviation Safety (AVS) organization slowly permitting our important safety data analysis/alerting systems to degrade.

I will always do my best to help the FAA identify and address known safety concerns but it is also very frustrating when the FAA Office of Accident Investigation & Prevention (AVP) regularly dismisses the safety recommendations I submit.

Listed below are just a few of the Safety Recommendations I have submitted to the FAA that are related to improving safety oversight.

¹³ https://www.faa.gov/about/plans_reports/congress/

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- **(Status- Not accepted)** - In an ongoing effort to continuously improve aviation safety, I recommend that AVS-1 and/or AFX-1 host an annual (on-site or virtual) organizational level Safety Stand Down (similar to ATO) with all employees to identify, discuss and resolve safety issues.
 - AVP response to [WHISTLEBLOWER] stated in part *“having all of Flight Standards stand down for an entire day has no safety merit as a whole”*.
- **(Status- Not accepted)** Several recommendations related to concerns with FAA Information Technology (IT) and the potential impact on Aviation Safety
- **(Status- Not accepted)** I recommended that the FAA should modernize SPAS to provide ALERTS or FLAGS highlighting potential problem areas identified with FAA Data/Systems.
- **(Status- Not accepted)** I recommended that the FAA should modernize SPAS to provide SAS data and Other Performance Measures that compares the performance of a certificate holder to the performance of similar certificate holders, to itself, and/or to preset limits.
- **(Status- Not adopted)** - 20.076 I recommended that FAA National Policy should be revised to require assigned inspectors to validate (at the certificate level) all OPSPECS/MSPECS/TSPECS/LOAs paragraph information at least once every 12 months.
- **(Status- Not adopted)** - 20.075 I recommended that FAA National Policy should be revised to require assigned inspectors continuously monitor all OPSPECS/MSPECS/TSPECS/LOAs to ensure they are accurate and current.
- **(Status- Not adopted)** - 20.076 I recommended that FAA Automation should be modified to alert (at the certificate level) assigned inspectors, managers and analyst about coming due and overdue validation date(s).

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- **(Status- Not adopted)** - 20.076 I recommended that FAA Automation should be modified to alert (at the certificate level) assigned inspectors, managers and analyst about coming due and overdue dates referenced in the various OPSS documents.
- **(Status- Not adopted)** - 20.076 I recommended that WebOPSS should provide the date(s) of the most recent data input for all Standard and Custom reports and modules so that users can confirm that the data is up-to-date or reliable.
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for conducting formal review of the FAA Hotline System/Program to ensure the Agency has the tools and resources necessary to address the growing gap between the number of open and closed cases.
- **(Status- Not accepted)** I recommended that FAA identify the office with responsibility for continuously reviewing FHIS and related Information Technology (IT) system data for hazards and emerging trends.
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for developing a written process to determine the root cause(s) related to all substantiated and/or partially substantiated Safety, Hotline & Whistleblower allegations and develop strategies to prevent reoccurrence.
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for providing the FAA Executive Leadership Team a written summary each quarter showing at a minimum all open, extended and overdue FAA Hotline/Safety and Whistleblower Cases.
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for providing the FAA Executive Leadership Team an annual briefing about FAA Hotline System/Program, cases and trends.
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for providing FAA employees an Annual Report summarizing all

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internal/external FAA Hotline/Safety and Whistleblower Cases/Trends for the previous FY.

- **(Status- Not accepted)** I recommended that FAA provide formal initial training for persons who investigate or support the investigation of FAA Hotline/Safety and Whistleblower Submissions.
- **(Status- Not accepted)** I recommended that FAA provide formal recurrent training or workshops for persons who investigate or support the investigation of FAA Hotline/Safety and Whistleblower Submissions.
- **(Status- Not accepted)** FAA Consider changing existing guidance or processes to require employees in the Aviation Safety (AVS) Line of Business (LOB) to positively affirm/acknowledge routine policy changes.
- **(Status- Not accepted)** FAA Consider changing existing guidance or processes to require employees in AVS LOB to positively affirm/acknowledge critical policy changes.
- **(Status- Not accepted)** In an effort to ensure standardization and consistency the AVS Management Team should determine if KSN is a proper place to store or host policy documents (that may be restricted from the public and FAA employees).
- **(Status- Not accepted)** FAA Review the Cancellation of Non-Official Guidance Documents Memo dated December 3, 2013 to ensure it is still meets the spirit and intent of section 313 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95), as revised.
- **(Status- Not accepted)** FAA Review the attached Cancellation of Non-Official Guidance Documents Memo dated December 3, 2013 to ensure it is still applicable given that the FAA has announced the decommissioning of FSIMS.

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Gross Mismanagement

The DOT Strategic Plan for Fiscal Years (FY) 2022-26¹⁴ shows a Department goal to *“Use data and data analytics to take proactive actions to address emerging safety risks and support compliance”*.

The whistleblower has been an advocate for this type of risk based decision making for over two decades. Unfortunately the FAA has a long way to go to meet this goal. For too many years I have reported multiple times that several FAA AVS safety databases/information systems contain incomplete, inconsistent, and inaccurate data. If the quality availability of the FAA data continues to remain poor, its inputs to safety-related decisions may not be reliable, and WILL impact the Agencies ability to effectively support its safety mission.

The examples shown below were identified by a single whistleblower. Individually each example should raise concern, however collectively these examples clearly show any reasonable person of possible systemic Gross Mismanagement by the FAA.

Definition of Gross Mismanagement

- White v. Department of the Air Force, 63 M.S.P.R. 90, 95 (1994) (**gross mismanagement means a management action or inaction which creates a substantial risk of significant adverse impact upon the agency’s ability to accomplish its mission**)¹⁵.

FAA Internal Whistleblower (IWB) Case 21802- FAA Operations Specifications

- A March 11, 2021 Memo from AAE-1 to [WHISTLEBLOWER] states, *“In June 2019, after unsuccessful attempts to report discrepancies, or organizational and operational vulnerabilities through various AVS reporting means, you*

¹⁴ https://www.transportation.gov/sites/dot.gov/files/2022-03/US_DOT_FY22-26_Strategic_Plan.pdf

¹⁵ [MSPB JUDGES’ HANDBOOK](#)

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recommended the FAA establish an “employee safety reporting program.” In response, I encouraged you to utilize the FAA Hotline for such reports. Since then, you have filed over 650 reports on varying systemic issues centric to the use of Flight Standards’ Web-Based Operations Safety Systems (WebOPPS) and currency of data collected and maintained therein. To date, substantiated reports clearly point to a systemic weakness with WebOPPS that appears to hinder optimal operator oversight by the certificate holding office. As a result of the number of substantiated allegations, I have asked my Chief Investigator to assess and summarize the findings related to your disclosures and I will make appropriate recommendations to the Administrator, pursuant to the provisions of Title 14 USC Section 106(t)(3)(A)(iii) under case number IWB21802”. (See Appendix)

Office of Special Counsel Cases linked to FAA Operations Specifications

- **OSC File No. DI-17-1298 (OPSS Paragraph D085)**
 - **SUBSTANTIATED-** ASIs are improperly approving aircraft for addition to Operations Specifications (Ops Specs) under Part 135 without appropriately reviewing the exemptions of the aircraft.
 - **SUBSTANTIATED-** Aircraft had operated in the National Airspace System without the authority to operate due to expired registration and airworthiness certificates.
- **OSC File No. DI-19-2560 (OPSS Paragraph D085)**
 - **SUBSTANTIATED-** Aviation Safety Inspectors have failed to verify that all aircraft on carriers’ operations specifications are properly insured.
 - **SUBSTANTIATED-** Aircraft have operated in the national air system (sic) without a certificate of liability insurance on file with the FAA.
- **OSC File No. DI-19-3959 (OPSS Paragraphs A005, B001, B002, B003, B011, B501 & T308)**

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- **SUBSTANTIATED-** Principal Inspectors have failed to ensure that training centers are conducting only FAA-approved training curriculum.
- **SUBSTANTIATED-** Pilots and flight crewmembers may have obtained certification based upon expired training courses.
- **OSC File No. DI-20-000536- Referred to DOT- FAA continued failure to ensure airlines modified passenger and carry on weights (OPSS Paragraphs A097, A098 and A099)**
 - The FAA has not addressed a 2004 National Transportation Safety Board (NTSB) recommendation that the agency require airlines to periodically sample passenger and baggage weights to determine appropriate statistical distribution characteristics.
 - Despite receiving safety recommendations from the NTSB in 2004, the FAA has failed to complete and issue guidance or require corrective action by airlines to ensure the accuracy of their weight and balance programs.
 - The FAA has failed to adequately oversee air carriers and commercial operators' weight and balance programs to ensure the safety of the aviation industry
 - FAA Case AAE10-12-0024 (c) **SUBSTANTIATED-** FAA Report of Internal Whistleblower Contribution, Aircraft Weight and Balance Control, Advisory Circular 120-27E
 - FAA Case FHIS-0011100 Safety Concern- FAA SAFO 18012 titled Weight and Balance Calculations for Title 14 of the Code of Federal Regulations Part 135 Certificate Holders.
 - OSC File No. DI-18-2728 FAA had failed to update and implement changes to FAA Advisory Circular (AC) 120-27 for the standard average weights for passengers, carry-on bags, and personal items. (OPSS A097, A098 and A099)

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- **OSC File No. DI-20-000393- SUBSTANTIATED – Operations Specifications Non-Standard Text**
 - The Department of Transportation Office of Inspector General (DOT-OIG) Report showed that the *“OIG found areas where FAA does not have adequate oversight and approval from the Flight Standards Service policy divisions when authorizing nonstandard OpSpecs templates and text in WebOPSS...”*
- **OSC File No. DI-21-000728- Referred to DOT- Experiential Aircraft in Commercial Service (OPSS Paragraph D085)**
 - Allegation – FAA Inspectors have improperly approved operations specifications for commercial operations under 14 C.F.R. Parts 121 and 135 that include aircraft the FAA Registry shows as having experimental airworthiness certificates.
- **OSC File No. DI-20-000690- SUBSTANTIATED - FAA Failure to Follow Policy - North Atlantic High Level Airspace (NAT HLA) (OPSS Paragraph B039)**
 - The DOT-OIG substantiated the allegation concerning operators remaining authorized to operate in the NAT HLA despite not holding a current or valid OpSpec/LOA B039. The DOT-OIG stated the total number of such operators without the appropriate OpSpec/LOA B039 authorization totaled over 400 in April 2020.

Office of Special Counsel Cases linked to FAA Data Quality Concerns

- **OSC File No. DI-20-000754 SUBSTANTIATED - PTRS Data Quality**
 - OIG substantiated the whistleblower’s allegation that FAA aviation safety inspectors entered “filler” data into PTRS records (although in some cases as a matter of necessity given the limits of the system).

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- Allegation - The FAA's Program Tracking and Reporting Subsystem (PTRS) contains incomplete, inconsistent, and inaccurate data.
- Allegation - Aviation Safety Inspectors have entered inaccurate data into PTRS surveillance, investigation, education, and certifications records.
- Allegation - FAA managers and supervisors have failed to adequately review PTRS data to ensure it is complete, consistent, and correct, as required by the PTRS Procedures Manual.
- Allegation - Poor data quality in PTRS impedes the FAA's ability to identify and address aviation safety risks.
- The Agency has received multiple Extensions to its original due date.

FAA Hotline Submissions

- **SUBSTANTIATED-** AAE File #AAE10-12-0024(A) Report of Internal Whistleblower Contribution – System Approach to Safety Oversight (SASO) /Safety Assurance System (SAS) - See Appendix
 - In October 2012, [*WHISTLEBLOWER*], submitted a complaint to AAE claiming deficiencies in System Approach to Safety Oversight (SASO) program. –
 - As a result of this complaint, the Joint Resources Council (JRC) reviewed and identified numerous deficiencies in the program and made recommendations to AFS.
 - AFS then took significant action to re-direct the original SASO program.
 - Contemporaneously, the contributor's disclosure provided a higher level of visibility to concerns with the new oversight model. This led to significant action by AVS to redirect the automation project which included redefining program requirements that significantly downscaled the original overall plan for SAS while maintaining the same general purpose.

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- **SUBSTANTIATED-** AAE File #AAE10-12-0024(F) Report of Internal Whistleblower Contribution – Safety Performance Analysis System (SPAS) – See Appendix
 - AIT substantiated [*WHISTLEBLOWER*] claims. Their investigation found that the FAA should consider replacing or modernizing SPAS to meet the rapidly evolving needs of its users, and to comply with a Congressional mandate to maintain a safety performance analysis system. AIT recommends that current functionality in SPAS must be maintained until it is either replaced or modernized.
 - We concur with AIT's findings and recommendations and agree that *SPAS deficiencies could potentially impact the safety oversight of our aviation system.*
 - The AIT investigation generally found that *data quality and reliability, technical system requirements and enhancements, and system and program funding are deficient.*
- **FAA Internal Whistleblower (IWB) Case 14-806 Air Transportation Oversight System's performance Assessment Determination and Implementation (ADI) air carrier data**
 - Allegation - The Air Transportation Oversight System's performance Assessment Determination and Implementation (ADI) air carrier data indicates that there are long-term, unsatisfactory surveillance results without effective corrective action; and that some surveillance is rated as satisfactory even though no surveillance was performed.
 - I also reported retaliation as a result of multiple disclosures made to AAE in 2012 and 2013 under Public Law 112-95 § 341.
 - The case was transferred by AAE to FAA Security for investigation- The results of the investigation are unknown.

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- **Meeting Invite from the Office of Director, Flight Standards Service for an August 29, 2018 to discuss my FAA Safety Recommendations related to SAS and SPAS data Quality**
 - 8/23/2018 – [redacted] this was on request of [redacted] “to discuss how the FAA IT Systems no longer support the aviation safety mission”.
- **Email to FAA Administrator on March 24, 2021-** See appendix
 - The purpose of this message was to alert the responsible management official with overall authority to resolve these well-known safety concerns.
 - On February 16, 2022 the FAA Administrator announced that he was resigning effective March 31, 2022.

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Retaliation

The FAA has a well-documented history retaliating against me and other whistleblowers for making properly safety disclosures. This pattern of retaliation is extremely unhealthy and may be aimed at other employees to discourage them from reporting known safety issues¹⁶.

- **Letter of Caution** - An internal FAA Investigation (H12E047CC) revealed that I was assigned by management to support the DOT-OIG audit of the FAA Aviation Safety Information Analysis and Sharing (ASIAS) system¹⁷. Attached is the Letter of Caution issued by FAA Management for providing truthful responses to the DOT-OIG. This letter had a chilling effect designed to intimidate and silence the whistleblower.
 - An internal Investigation by the **FAA Substantiated Retaliation**
- **Threat to Fire Whistleblowers-** An internal FAA Investigation (AERO-4741) revealed a respected FAA employee reported in a Memorandum for Record that the former Manager & Chief Investigator, Audit and Analysis Branch (AAE-100) which oversaw the FAA Whistleblower Program stated that had planned to get me fired just like he did other whistleblowers.¹⁸
 - This fact was memorialized in a United States Senate Commerce Report titled *Aviation Safety Oversight* dated December 2020¹⁹
- **Breach of Personally Identifiable Information (PII)** - In 2012 I discovered and reported breaches related to personally identifiable information (PII) and or sensitive information.

¹⁶ FAA Hotline Case A20210325002

¹⁷ <https://www.oig.dot.gov/library-item/28941>

¹⁸ Memorandum for Record, March 14, 2014, April 18, 2014,

<https://www.commerce.senate.gov/services/files/621F43CC-9CFE-45AE-BA35-CD5EF9A60FC4>

¹⁹ <https://www.commerce.senate.gov/services/files/8F636324-2324-43B2-A178-F828B6E490E8>

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- The FAA conducted an investigation and **substantiated the allegations** in a Report of Internal Whistleblower Contribution, Protection of Personally Identifiable Information, AAE File Number AAE10-12-00-24(H) dated September 5, 2013.
- **Breach of Whistleblower Confidentiality** -In 2019 I submitted a complaint to the FAA Hotline and SOC when I discovered that FAA Management placed on an electronic shared drive information that I was whistleblower. FAA Management did this AFTER receiving a written communication by FAA Legal counsel (AGC) not to do so.
- **Systemic Breaches of Whistleblower/Hotline passwords and submitter confidentiality (IWB22802)** - Various FAA Policies²⁰ and 49 U.S.C. § 106 prohibits the release of the whistleblower identity unless the AAE Director determines the disclosure is required or necessary. **The law does not differentiate between disclosure to the general public or to employees/contractors of the FAA.**

In August 2020, I reported to the FAA a breach of my confidentiality related to an open Office of Special Counsel investigation²¹. Since that date I have alerted the FAA Security Operations Center, Privacy Office and AAE to countless other breaches of Hotline/Whistleblower confidentiality and password protection requirements.

- Note- Many of these reported breaches have not been resolved and new breaches continue to occur weekly. These breaches not only identify me but many other persons (employees/citizens) who have made protected Hotline/Whistleblower disclosures.
- **Possible loss of Confidentiality Protection-** Due to these ongoing breaches of Privacy and Hotline Confidentiality I have asked the Office of Audit and Evaluation to redact my name from all future Hotline submissions sent for investigation.

²⁰ FAA Order 1070.1A, FAA Order 8900.1 and Flight Standards Administrative Manual

²¹ Case DI-19-3959- <https://osc.gov/Pages/SearchResults.aspx?k=DI%2D19%2D3959>

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On February 14, 2022 FAA Management sent an email states in part *“Inspector is assigned to a case in which he/she may have involvement, in any way and at any level, the Inspector must communicate this fact to the FLM and request a reassignment”*.

This new management instruction may have an unintended consequence of identifying FAA employees who submit a CONFIDENTIAL Hotline / Whistleblower concern.

- **Breach of Trust-** the FAA signed a MSPB Settlement agreement in July 2019 stating that *“The Agency currently has no plans to reorganize or make other changes that would alter the Appellants’ reassignment or telework arrangement.”*

Documents that I have since obtained clearly show the FAA had plans to reorganize and were actively acting on those plans when they signed the agreement.

I was involuntary reassigned (SF-50 action) in 2021 resulting in a Significant Change in to my actual Job Functions

- **Failure to Act-** With management knowledge, I was denied the same access to data as peers for over a year.
 - **Email September 15, 2020-** *After being with [redacted] for over a year I am still not granted the same access to information that is available to other team members.*
- **Valuing Performance Annual Evaluations (FY2013-FY2021)** - I believe that FAA Management has been using the Valuing Performance System to retaliate against me for my whistleblowing activities and reporting other safety concerns. Over the past few years, my local management team (1st & 2nd level) typically rated my annual performance as MEETS. Only AFTER elevating this concern does higher level managers get involved to resolve this grievance. I believe an independent reasonable person who reviewed my self-assessment against my “documented” performance plan will clearly see that my annual contribution **SIGNIFICANTLY EXCEEDED** all documented expectations. In FY2021 I had to file an official grievance in order to have my overall rating reconsidered from MEETS to EXCEEDS. I strongly believe that if evaluated fairly my overall rating for FY21 should have been SIGNIFICANTLY EXCEEDS.

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Closing

It is important that the American public understand that Whistleblowers perform a vital role in today's world. Federal Aviation Administration (FAA) Whistleblowers such as myself have (following established processes) alerted management officials and others to violations of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or substantial and specific danger to public health or safety.

FAA employees who report safety and other concerns (Whistleblowers) including myself are often ignored, ostracized, retaliated against for our professionalism and unwavering commitment to aviation safety. FAA employees and contractors who discover hazards or wrongdoing may choose to remain silent and not report their concern(s) for risk of direct or indirect whistleblower retaliation.

It may be at a great cost or risk to the American public, if the Department of Transportation (DOT)/FAA senior leadership continues to ignore the valuable contributions of Whistleblowers and persons who submit Hotline complaints. I have personally alerted the FAA Administrator and other FAA Executives of systemic failures and none of them have taken time to even respond back to me about any of the substantiated concerns.

For example, when I reported to the FAA Hotline and OSC that many FAA Employees were receiving improper locality pay, the FAA initiated an investigation. The FAA investigation substantiated the allegations and reported that ***"a conservative estimate showed that the potential overpayments for these employees could easily exceed \$1 million per year."***²² The DOT/FAA Leadership could not even mutter a simple Thank You for raising this concern and saving the taxpayers over one million dollars annually.

"Failure can be useful if we learn from our mistakes. Failure can be fatal if we do not."

Your Loyal Servant

/s/ [Whistleblower], Aviation Safety Inspector

²² https://www.faa.gov/about/plans_reports/congress/media/2017_aae_annual_report.pdf

Because of previous (substantiated) and ongoing retaliation by the FAA the **WHISTLEBLOWER DOES NOT CONSENT** to name or other identifying information from being released into the public files.

Air Operator Contract Training OpSpec A031 Audit and Reporting Process

This section outlines the Audit Program and Summary reporting requirements applicable to Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135 air carriers that propose to contract with a part 142 training center or another air carrier operating under the same rule part to provide training and evaluation services for its crewmembers as permitted in section 121.402(a) or section 135.321(a)(1) and 135.324(a).

- https://www.faa.gov/pilots/training/part_142/media/A031_audit.docx
- https://fsims.avs.faa.gov/WDocs/8900.1/V03%20Tech%20Admin/Chapter%2019/03_019_002.htm

Air Operator Contract Training OpSpec A031 Audit and Reporting Process

Contract Training Initial and Recurring Audits

This section outlines the Audit Program and Summary reporting requirements applicable to Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135 air carriers that propose to contract with a part 142 training center or another air carrier operating under the same rule part to provide training and evaluation services for its crewmembers as permitted in section 121.402(a) or section 135.321(a)(1) and 135.324(a).

A. CONTRACT TRAINING AUDIT AND SUMMARY REPORT: TWENTY-FOUR CALENDAR MONTH CYCLE.

Where contract training is concerned, an audit and summary report cycle must be used as the plan to implement more effective operator-driven quality assurance. An initial audit must be conducted and summary report issued to the POI within 60 days after commencement of training or checking operations in accordance with the operator's operations specification paragraph A031. Recurrent audit reports are required at least once each twenty-four calendar months thereafter. It should be also conducted at any time when a significant change affects the operator's contract flight crew training. It is the operator's responsibility to submit to the POI a summary report of each audit conducted by operator. The audit performed by the operator must objectively evaluate in person actual training being provided to assure that the training provider is delivering the training required by the operator's approved training program.

NOTE: For guidance in developing an Audit program similar to an IEP (Internal Evaluation Program), see Advisory Circular (AC) 120-59A, Air Carrier Internal Evaluation Programs, and FAA Order 8900.1.

B. DEFINITIONS.

Audit: An audit is a methodical, planned review or inspection which is used to determine how business is being conducted and compares results with how business should have been conducted in accordance with established procedures.

Auditor: The person performing the Audit should be an individual who meets defined experience prerequisites and is qualified, through defined training, to conduct audits.

Contract Training: Any training, testing, or checking activity that an air carrier certificate holder provides by way of a contract or other arrangement with another party. It includes any flight training, testing, or checking leading to, and maintaining certification and qualification of, air carrier crewmembers in accordance with 14 CFR parts 61, 121, and/or 135.

C. AUDIT OVERVIEW.

1. Training Program Components: Adherence to Approved Program. The operator must document that the training program delivered by the training provider is identical to the training program approved for the operator's use by the POI. The documentation must address at least the following:

- a) Manuals,

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- b) The format and content of curricula, curriculum segments, training modules, and documents depicting flight maneuvers and procedures,
- c) Courseware,
- d) Facilities,
- e) Qualifications of instructors and check pilots.
- f) Flight Training Equipment
- g) Records of training, testing and checking of crewmembers

2. Training Curriculums: Adherence to Approved Program. The operator must audit curriculums, as well as document that the curriculums presented by the training provider adhere to the curriculums contained in its FAA-approved training program. The documentation must address at least the following, including ground training and flight training curriculum segments:

- (a) Initial new-hire training,
- (b) Upgrade training,
- (c) Transition training,
- (d) Recurrent training,
- (e) Refresher training (part 121 only),
- (f) Initial equipment training,
- (g) Requalification training, and

(h) All other approved training such as differences, hazmat, security, and Crew Resource Management (CRM) subject to the contract training and listed in OpSpec A031.

3. Flight Testing: Adherence to Approved Program. The operator must observe its contract check pilots and document that regulations contained in sections 121.411 through 121.414 and sections 135.337 through 135.340 are being met and that approved standards are being maintained. Documentation must address at least the following, as applicable:

- (a) Proficiency/competency checks for the purpose of certification,
- (b) Competency and instrument proficiency checks (part 135 only),
- (c) Flight training in lieu of the proficiency check, including Line-Oriented Flight Training (LOFT),
- (d) Competency checks,

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(e) Maneuver validation (AQP), and

(f) Line Operational Evaluations (LOE).

4. Training Records: Completion of All Approved Training. The operator must review the training and testing records required by sections 121.683 and 135.63. This review must cover all of the operator's flight crewmembers, including pilots and flight engineers, who have received training through the training provider since the last review/audit cycle. The operator must document that each crewmember has successfully completed all of the required components of training and checking required by its approved training program.

D. SUMMARY REPORT (SAMPLE ATTACHED).

The operator must prepare a report summarizing the findings of its self-audit. A sample report is attached to this appendix. A sample report is also shown in the guidance for operations specifications paragraph A031 under "Guidance" in the Web Based Operations Specifications Subsystem (WebOPSS). This report form may be used to compile audit findings and to submit findings to the POI as a summary report. Another form mutually acceptable to the operator and the POI may be used instead. The operator's director of operations or other appropriate management official must sign the summary report. In all instances in which discrepancies are found between the training program delivered by the training provider and that which is approved by the FAA, the operator must propose effective remedies. Those remedies must be included in the summary report and must be addressed under the following categories:

1. Immediate corrective action:

(a) Action already taken, showing dates, and

(b) Action planned, showing target dates;

2. Long-term corrective action, showing target dates;

3. A strategy for ensuring continuing prevention of recurrence.

Any discrepancy or finding should include a system for ensuring a continuing prevention of recurrence.

Operators who contract for training and evaluation from a training center must address any training program discrepancy and undertake corrective action at once. When the operator's own remedies are insufficient, the POI must take additional steps as deemed necessary and appropriate, in accordance with applicable provisions of Title 49 of the United States Code (formerly the FAA Act of 1958), 14 CFR, FAA Order 8900.1, and/or Order 2150.3A, Compliance and Enforcement Program.

Air Operator Contract Training OpSpec A031 Audit and Reporting Process

SAMPLE AUDIT and SUMMARY REPORT **for ABC Airlines** **Concerning Contract Flight Crew Training** **Provided by the XYZ Part 142 Training Center** **in accordance with the ABC Airlines** **Boeing B-727-200 Training Program** **[Date]**

This report is submitted in accordance with the requirements of operations specifications paragraph A031, *Contract Training*, issued to ABC Airlines. The audit of the training and evaluation provided to ABC Airlines crewmembers by the XYZ Part 142 Training Center was performed during the period 01/01/2007 to 01/04/2007 at the XYZ Training Center facilities located in Anywhere, Wisconsin. This audit report covers the period from 02/01/2005 through 01/31/2007.

TRAINING PROGRAM COMPONENTS. ABC Airlines has reviewed the following training program(s) or AQP equivalents, and training provider(s) and certifies that the training program(s) are identical to the training program(s) approved by the Federal Aviation Administration (FAA):

<u>Categories of Training</u>	<u>Date of Approval/Revision Date</u>
Initial New Hire	1/31/98
Initial Equipment	1/31/98
Transition	2/20/98
Upgrade	2/20/98
Recurrent	1/31/98

<u>Training Provider(s)</u>	<u>Category of Training</u>	<u>Type</u>
XYZ Training Center	Initial Equipment	Ground and Simulator
	Requalification	Ground and Simulator
	Recurrent	Ground and Simulator
	Transition	Ground and Simulator
	Upgrade	Ground and Simulator

Training Components.

<u>Manuals</u>	<u>Revision Date</u>
General Operations Manual	_____
Airplane Flight Manual	_____
Aircraft Operations Manual	_____

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Aircraft Checklists	
Airport/Runway Analysis	
Minimum Equipment List	
Configuration Deviation List	

<u>Curriculum Segments</u>	<u>Content Review Date</u>
Basic Indoctrination	
Aircraft Ground Training (initial/recurrent/upgrade)	
Emergency Training	
Flight Training (initial/recurrent/upgrade)	
Special Curriculum Segment: _____ --	
Hazardous Materials	
Differences	
Simulator Flight Instructor	
Check Pilot	
Qualification Segment	
Proficiency Check	
Competency Check	
Operating Experience	
Line Check	
Familiarization Flight	
Other (list by name)	

Training Equipment. Provide a list of each training device, mockup, systems trainer, procedures trainer, simulator, or other training devices (include FAA ID number if available).

Facilities. Provide a general description of facilities, including physical addresses.

Qualification of Instructors and Check Pilots. A list of all contract ground, flight instructors and/or contract pilots utilized by the training provider to provide training and evaluation for the operator during the audit period must be provided. In addition, a statement must be included to the effect that "ABC Airlines has reviewed the qualifications of all contract instructors and check pilots utilized by ABC Airlines and certifies that they meet regulatory requirements of Title 14 of the Code of Federal Regulations (14 CFR) part 121, 135, or both."

Example:

Bob Smith	XYZ Training Center	Contract Ground Instructor
Nancy Jones	XYZ Training Center	Contract Flight Instructor, Simulator
Douglas Sanders	XYZ Training Center	Contract Flight Instructor, Simulator
Frank Baker	XYZ Training Center	Contract Check Pilot, Simulator

ABC Airlines has reviewed the qualifications of all contract instructors and check pilots utilized by ABC Airlines and certifies that they meet regulatory requirements of part(s) 121/135, as appropriate.

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TRAINING CURRICULUMS. This section involves a side-by-side examination of the curriculum outline with the appropriate regulations, or with an approved AQP alternative means of compliance. This examination will ensure that all required ground and flight training is provided.

Available courseware (lesson plans, audiovisual programs, flight maneuvers, procedure documents, student handouts) must be reviewed to ensure that courseware is consistent with each curriculum and curriculum segment and the type of operations conducted by the operator.

This section must address at least the following training programs, or its AQP equivalents, including ground and flight training:

- Initial New Hire Training
- Initial Equipment Training
- Transition Training
- Upgrade Training
- Recurrent Training
- Requalification Training
- Any Other Approved Training (CRM, Security, RVSM, etc)

Example:

ABC has observed the following training and evaluation being performed by the XYZ personnel and certifies that the training and evaluation is in accordance with the ABC requirements and approved training program.

Type of Training Observed	Date of Observation	Contract Instructor	Remarks
Initial B-727 Ground	01/01/2007	Bob Smith	
Initial B-727 Simulator #4 & 5	01/02-03/2007	Doug Sanders	

FLIGHT EVALUATIONS: This section involves the observation of the operator's contract check pilots and other evaluators. The review must be completed to ensure compliance with sections 121.411, 121.412, 121.413, and 121.414; or 135.337, 135.338, 135.339, and 135.340, as appropriate. The report must address at least the following, as appropriate:

- Certification Flight Checks
- Proficiency Checks
- Flight Training in lieu of the Proficiency Check
- Line-Oriented Flight Training (LOFT)
- Competency Checks
- Maneuver Validation (AQP)
- Line Operational Evaluations (LOE)

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Example:

ABC Airlines has observed the following evaluation being performed by the XYZ personnel and certifies that the evaluations are conducted in accordance with the ABC requirements and approved training program.

Type of Evaluation Observed	Date of Observation	Contract Check Pilot	Remarks
Initial B-727-200 Proficiency Check for the purpose of type rating	01/04/2007	Frank Baker	

TRAINING RECORDS. This section requires that the operator review the training and evaluation records required by section 121.683, or section 135.63, as appropriate. This review must include all flight crewmembers, including pilots and flight engineers, who have received training and/or evaluation from a contract training provider.

Also, a statement must be included to the effect that each crewmember has successfully completed all of the required components of training and checking as required by the operator's FAA-approved training program.

Example:

ABC Airlines certifies that all flight crewmembers, including pilots and flight engineers, have successfully completed all required components of training and checking as documented in our FAA-approved training programs.

_____ Date _____

Bob Jones, Director of Safety
ABC Airlines

DISCREPANCIES. The audit must identify each discrepancy found between the training delivered by the training provider and that required by the operator's FAA approved training program. Note each discrepancy by section, i.e., Training Program Components, Training Curriculum, Training Records, and Flight Testing. Include with each discrepancy the corrective action taken or planned, and the timeframe for the remedy (immediate or long-term), showing calendar dates.

Any discrepancy or finding must include a system for ensuring a continuing prevention of recurrence.

Example:

Training Program Components

Air Operator Contract Training OpSpec A031 Audit and Reporting Process

Manuals (Immediate)

General Operations Manual – Copy of manual at XYZ Training Center facility missing latest revision. Latest revision sent and posted. Director of Training Captain Smith, or his successor, will ensure, on the first day of each calendar month, that revisions to company manuals have been accomplished and verified.

Air Operator Contract Training OpSpec A031 Standardization Review Process

A standardization review process is required in order for an operator, training provider and FAA principal operations inspector (POI) to understand and coordinate the training and qualification of crewmembers, instructors and check airman.

Operations specification (OpSpec) paragraph A031 documents and authorizes an operator to utilize another organization such as a part 142 training center to conduct training for the operator.

A standardization review and a separate audit is required by OpSpec paragraph A031 and must be accomplished to ensure that training and evaluation provided for the operator is conducted in accordance with the operator's approved program, operator policies and procedures, and the regulatory requirements applicable to the operator.

- https://www.faa.gov/pilots/training/part_142/media/A031_standardization_review.docx

Air Operator Contract Training

OpSpec A031 Standardization Review Process

A standardization review process is required in order for an operator, training provider and FAA principal operations inspector (POI) to understand and coordinate the training and qualification of crewmembers, instructors and check airman. Operations specification (OpSpec) paragraph A031 documents and authorizes an operator to utilize another organization such as a part 142 training center to conduct training for the operator. A standardization review and a separate audit is required by OpSpec paragraph A031 and must be accomplished to ensure that training and evaluation provided for the operator is conducted in accordance with the operator's approved program, operator policies and procedures, and the regulatory requirements applicable to the operator.

Standardization Review

The purpose of a standardization review is to determine the capabilities of the training provider relative to the operator's training requirements and to identify, in detail, the specific portions (or components) of the air carrier's approved training program or curriculum that the training center will provide. The standardization review process will also establish the policies and procedures that will be followed by the training center during contract training as well as establish the training and qualification of personnel that conduct training and evaluation for the operator. The standardization review will form the basis for the operator's audit program procedures where the operator will evaluate the actual training provided by the training center.

The operator is responsible for conducting a standardization review of the training provider:

- Prior to the start of any contract training or checking operations by a training provider. The POI must be provided the results of the standardization review (including required training of contract personnel) prior to the issuance of OpSpec paragraph A031.
- Any time a major change affects the operator's contract crewmember training during the 24 month interval.
- When a new curriculum is added at a center's location or an additional center is authorized to provide training under an existing curriculum.

Separately, the operator must conduct an audit of actual contract training and/or checking operations by the training provider. This audit must be completed and report submitted to the POI within 60 days after the commencement of contract training and/or checking operations. In order to maintain A031 authorization to conduct contract training, recurrent audit reports are due to the POI thereafter at intervals not greater than 24 calendar months.

As part of the standardization review, an operator certificated under Title 14 of the Code of Federal Regulations (14 CFR), part 119, must clearly define the training and checking items that the carrier's POI has approved the training center to provide for the operator. Items that have not been pre-approved by the respective POI will not be credited toward the completion of that operator's training requirements. This must be accomplished by developing, as part of the training program, a method to identify the specific training that will be accomplished each party such as a Source of Training document. In many cases, the training center and the operator have joint responsibility for the satisfactory completion of a particular training module (e.g., adverse weather, weight and balance, etc.) within the curriculum. When this is the case the training module in the curriculum must be broken into

Air Operator Contract Training

OpSpec A031 Standardization Review Process

elements or events and clearly show which element or event will be provided by the training center. The following example illustrates how this may be accomplished.

Module and Elements			Source
Weight and Balance Determination			J
Aircraft Manufacturers Weight and Balance Procedures (AFM)			TP
Definitions			TP
Limitations			TP
Load Shift / Fuel Management and Use			TP
Operations Specifications (Paragraphs A096, A097, A098)			O
FAA Advisory Circular AC 120.27E			O
Carry on baggage identification, load and storage			O
Passenger weight determination—average, surveyed, actual			O
Baggage / freight weight determination			O
Cabin configuration and loading			O
Baggage compartment loading and security			O
Air carrier computation method (computer)			O
Manifest preparation			O
J training provider and operator both provide a portion of the training topic	TP topic is provided by contract training provider	O operator provides training in the topic	

Note: In this case, 14 CFR part 135.293(a)(3) checking cannot be accomplished by a contract check airman at a training center, since the entire topic area was not provided by the training center and therefore the check airman was not fully trained. Check airman authorization would be limited in this case.

During initial contract discussions, it is necessary for the operator and the contract training provider (training center) to convene a standardization program meeting to review the relevant topics covering each party's responsibilities for the implementation of the operator's approved program, the accomplishment of contracted training, evaluations, and administrative practices required by the operator and their approved training curriculums.

The following document provides a sample of a standardization review and audit program between an operator and a 14 CFR part 142 training center. It is important to understand that the document was developed as an example and it is possible that not every item shown may be appropriate for every operator. It is also possible that not every training area is represented by this example and additional items may be added for individual operators. The document should be modified as necessary to meet the needs of a particular operator.

Air Operator Contract Training OpSpec A031 Standardization Review Process

ABC Airlines and XYZ Training Center

Introduction: This document summarizes the training and qualification of crewmembers, contract simulator instructors and contract check airman, standardization program, which will be followed by ABC Airlines, Inc., (ABC) and the XYZ training center (XYZ) for the purpose of ensuring standardization between its respective instructors and check airmen in its training and evaluation of ABC crewmembers. This standardization program will assist ABC and XYZ instructors and check airmen to achieve standardized application of ABC's training policies and procedures as well as serving to identify any differences that may exist between ABC and XYZ training, evaluation, and/or the administration of ABC programs. A summary of the standardization program will also provide the operator and the assigned POI information necessary for comply with the audit requirements of paragraph A031 of ABC's Operations Specifications.

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Source of Training Document

Note: Abbreviations used are as follows:

CSI—Contract Simulator Instructor

CCA—Contract Check Airman

Air Operator Contract Training OpSpec A031 Standardization Review Process

Training and Evaluation Standardization Review ABC Airlines and XYZ Training Center

Program Administration Implementation of Approved Programs—Duties, responsibilities, and authority

SUBJECT	COMMENTS
Training Provider Identification / Description: What training providers will be used, including address, phone number(s), part 142 certificate number(s) if applicable, etc.	
Facility Description: General appraisal of facilities (including satellite) and adequacy for providing training (classrooms, visual aids, support personnel, simulator maintenance personnel, etc.)	
Personnel responsible for the implementation of approved training and resolution of deficiencies: Training provider point of contact (DOS, DOT), and operator point of contact (DO, CP, DOT).	
Training Documentation: Operator manuals (GOM, Training Program FCOM, checklists, "Read" files, etc.) available to students and training provider personnel (including instructors and CCA).	
Source of Training Documents: Identification of the specific training provided by the training provider.	
Revision process: How does each party notify the other of revisions to their respective curriculums, courseware, or programs? How does the revision policy affect the conduct of contract training?	
Enrollment procedures: How is the training provider advised of requested training and required evaluations? How are students enrolled in the various courses conducted by the training provider? What are the prerequisites to start a training curriculum?	
Comparison of each training provider developed curriculum and operator approved curriculum: Does the operator curriculum mirror the training provider curriculum in all aspects, including courseware? How is the operator notified that the training provider has changed curriculum content or courseware?	
Crew compliment during training and evaluation: How is training in a single pilot aircraft conducted? How is training conducted for a single crew member training in an aircraft requiring two pilots?	
System for detection and correction of training deficiencies: Define the training provider's policy/procedure.	
Scheduling of center personnel authorized to conduct training or evaluation for the operator: Are instructor and check airmen trained, qualified and approved for the operator.	
Other:	

Air Operator Contract Training

OpSpec A031 Standardization Review Process

Conduct of Training Policies pertaining to the conduct and content of classroom, simulator, and flight training modules.

Training Course Content:

SUBJECT	COMMENTS
Approved program content: Review approved curriculums, revision status, courseware, supporting documentation, and checklists to determine if training-provider-developed curriculum contents agree with operator requirements (IAP, T/O minimums identified, etc.). Determine differences (if any).	
Terminology: Define terms to be used (AOM, AFM, FCOM, QRH, etc.)	
Equipment differences: Simulator vs. operator equipment and how appropriate differences training will be accomplished, and by whom.	
Flight profiles and procedures: Compare operating procedures and aircraft configurations, especially during emergencies and instrument approach procedures (IAP).	
Maneuvers: Instrument approach (including circling approach) procedures authorized. Use of autopilot.	
Standard Operating Procedures: Crew call-outs, autopilot protocol, FMS protocol, etc. Determine differences and establish a process for training the operator's procedures.	
Crew duties and responsibilities: Comparison of operator vs. training provider normal and emergency procedures.	
Line-Oriented Flight Training (LOFT) development: Who will develop LOFT that is it representative of the operator's operating rules, airports, routes, types of operations, etc?	
CRM: How is the operator's CRM taught and how are skills evaluated?	
Special operational requirements and restrictions:	
Operational Limitations: Defined in operator's Operations Specifications, Crew Operations Manual (COM), and/or Aircraft Flight Manual (AFM).	
Curriculum Revisions: Determine how revisions to training-provider-developed curriculum will be integrated into operator approved program/curriculum. Is the operator notified prior to changes in training provider curriculum?	

Air Operator Contract Training

OpSpec A031 Standardization Review Process

Conduct of Training Policies pertaining to the conduct and content of classroom, simulator, and flight training modules.

Ground Training:

SUBJECT	COMMENTS
Number of attendees: Is the classroom size adequate?	
Class complement: Operator policy requirements for mixing own crew with pilots from other operators, part 61 training, or foreign operators.	
Conduct: Establish how ground training will be provided including schedule, breaks and relation to other required training.	
Class liaison: Does the operator assign a liaison with the training provider.	
Equipment and publications: Pertinent to operator's aircraft, procedures, and crewmembers.	
Attendance requirements: What documentation is required?	
Attire:	
Performance standards and documentation: Performance for each lesson? What records will be used?	
Distance learning: Is distance learning used to accomplish any of the ground training, and is that training in compliance with FAA policy?	
Systems Integration Training (SIT): Use of operator checklists, manuals and operating procedures including CRM. How will ground instructors be trained in operator procedures during SIT?	
General Operational Subjects (GOS): To what extent will the operator's procedures and requirements be provided in the training provider's classroom?	
Ground training documentation: Compliance with regulatory and operator requirements (system, availability and detail, etc.)	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Conduct of Training Policies pertaining to the conduct and content of classroom, simulator, and flight training modules.

Ground Training:

SUBJECT	COMMENTS
Ground training content: Is each system or topic relevant to the operator's aircraft and covered in sufficient detail? Is content in accordance with approved curriculum? How are topics not included in the training-provider-developed curriculum to be trained? Are the operator's CRM procedures used during ground training?	
CRM issues: What standard is required to be met (briefings, etc.)?	
Written test procedure: Test design, test security, open or closed book, time allowance, review and correction.	
Procedures for the reporting of violations of operator policies:	
Minimum passing grades: Failure of test and re-testing (including number of tests available).	
Other:	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Conduct of Training Policies pertaining to the conduct and content of classroom, simulator, and flight training modules.

Simulator / Flight Training:

SUBJECT	COMMENTS
Crew complement / crew pairing: Operator policy or requirements for training with persons who are not operator personnel.	
Flight conduct: Maneuvers, procedures; and crew duties, functions and responsibilities.	
Required flight equipment and publications: Navigation charts, electronic flight bags (EFB), QRH/checklists, performance information, computers, etc.	
Reporting times and attendance:	
Breaks: How are breaks monitored to assure training time is adhered to?	
Observers: Who can sit in on sessions?	
Documentation: Grading system and comments.	
Acceptable performance standards and judgment criteria defined:	
Failure to progress: Notification of operator and authorization for additional training. How are failures documented?	
Pre-check evaluation:	
Recommendation for evaluations: Established completion standards for knowledge and proficiency.	
Violations of air carrier policies or procedures:	
Single PIC training with autopilot authorization: Will pilots be trained as a single pilot operation or in crew environment?	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Conduct of Training Policies pertaining to the conduct and content of classroom, simulator, and flight training modules.

Simulator / Flight Training:

SUBJECT	COMMENTS
LOFT / LOE / SPOT: LOFT must be pertinent to the operator's operating rules, airports, routes, types of operations, etc.; and what instructor training will be accomplished. Are instructors trained and familiar with the operator's procedures (weight & balance, performance, weather, dispatch / flight release, etc.)?	
Instrument approach procedures: Conduct of all IAP authorized for operator.	
CRM issues: What standard is required to be met (briefings, etc.)?	
Special emphasis areas: How do the operator and training provider CFIT, runway incursion, and other special emphasis area requirements and training modules compare?	
Special airport / approach training:	
Other:	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Flight Training Equipment Comparison of the operator's aircraft and the training provider's flight training equipment used to provide contract training to assure all training requirements are met.

AIRCRAFT	COMPARISON AREAS	SIMULATOR / FTD
	Aircraft Make and Model	
	Aircraft Series and S/N (or variant)	
	Qualification Level / FAA Identification Number	
	Flight Instrumentation	
	Powerplant (including propeller / TR)	
	System Modification Status	
	Navigation Equipment GPS (make/model) FMS (make/model) HUD.	
	Autoflight Equipment	
	Pictorial Preflight Compatibility	
	Simulator Visual Special Airports, LOFT and Approaches	
	Daily Preflight Inspection Simulator Defects	
	EGPWS Equipment	
	Other	

Air Operator Contract Training

OpSpec A031 Standardization Review Process

Personnel (Instructor and Check Airman) Training and Qualification Training provider personnel responsible for the conduct of any training and/or checking under the provisions of this program must receive air carrier specific training.

SUBJECT	COMMENTS
PIC training and qualification: How is training and checking to be accomplished? Will the operator train and qualify personnel or accept training and qualification by another operator? What documentation will be used?	
CSI Training: Comparison of training provider simulator instructor training and qualification and the operator's CSI training requirements. Is there a curriculum and procedure to accomplish that training? Will the operator provide all training and qualification? How is this training documented?	
CCA Training: Comparison of training provider TCE training and qualification and the operator's CCA training requirements. Is there a curriculum and procedure to accomplish that training? Will the operator provide all training and qualification? How is this training documented?	
CSI and CCA differences training requirements: Comparison of the operator's instructor and check airman training with previous operator training and qualification and a determination of what differences exist. Is there a curriculum and procedure to accomplish differences training?	
Line observation program: How will a CSI and CCA accomplish this requirement?	
Minimum qualification and experience for CSI or CCA: Operator determined minimums.	
CSI and CCA training and qualification records: Where are they kept? Who keeps them current? Is the operator responsible? Does the operator have access to the records?	
Biennial Observation: How will this be accomplished and recorded?	
Approved Drug Program:	
CSI/CCA Proficiency / Competency Checks: Scheduling and other operator responsibility to assure checks are taken (and passed). Who will administer checks?	
CCA Air Carrier PIC experience or Training requirements: Does each CCA have documented prior air carrier PIC experience or satisfactory basic indoctrination training for at least one air carrier? What documentation of this training will be provided? If CCA do not have air carrier PIC experience, how will training be accomplished?	
Other:	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Evaluations Policies pertaining to the conduct of oral testing/checking, and simulator/flight training and evaluations.

Equipment Exam (Oral):

SUBJECT	COMMENTS
Conduct of equipment examination (written/oral) as part of proficiency competency check: Format vs. operator policy/requirements. Is the exam 100% written or oral with written portions (weight and balance, performance, etc.)? Is the emphasis on operationally structured evaluations, or limited to aircraft specific only?	
Crew concept for evaluations: One-on-one for all type ratings.	
Content: Are weight & balance procedures based on operator procedures or not to be conducted? Is aircraft performance based on operator approved procedures and regulatory requirements, or by other means?	
Location and schedule:	
Evaluation Standard: What constitutes unsatisfactory performance?	
Documentation: Operator notification of unsatisfactory performance, additional training, and re-check procedures.	
Other:	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Evaluations Policies pertaining to the conduct of oral testing/checking, and simulator/flight training and evaluations.

Simulator and Flight Evaluations:

SUBJECT	COMMENTS
Evaluation prerequisites: Training completion, instructor recommendations, orals, training completion in less than programmed time, etc.	
Flight evaluation scheduling: Relation to training completion, oral, etc.	
CRM evaluation: Individual or crew evaluations?	
Rules of conduct: Required maneuvers, waiver authority.	
Observers: Who is permitted to observe?	
Prohibited maneuvers: Are circling approach maneuvers to be checked?	
Test failure and re-testing procedures: Training records, number of attempts permitted, operator notification, etc.	
Evaluation standards: What are the operator's standards?	
Retraining and rechecking procedure: Documentation of training to proficiency accomplished during the checking process, recording unsatisfactory performance, training and recheck results, operator notification of unsatisfactory check.	
Types of IAP to be evaluated: RNAV, Special, etc.	
Types of IAP charts to be used:	
Evaluation of operator Standard Operating Procedures (SOP):	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Evaluations Policies pertaining to the conduct of oral testing/checking, and simulator/flight training and evaluations.

Simulator and Flight Evaluations:

SUBJECT	COMMENTS
Use of operator checklists:	
Compliance: Regulations, operations specifications, and operator policies and procedures.	
Crew complement: Qualified supporting crewmembers, single-pilot-autopilot evaluations.	
Evaluation records: Documentation process including type of records, disposition, availability and timeliness. Processing of airman application and certificate.	
Other:	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Administration Establishes responsibility, policies, methods, and procedures for the annotation, maintenance, control of training, evaluation records, certificates, and documents.

SUBJECT	COMMENTS
Crewmember training and checking records: Determine what recordkeeping system will be used to document crewmember training and evaluation. Determine compatibility with any approved electronic record system. Determine who the Point of Contact (POC) is for recordkeeping. Establish procedures for the timely transmission of records between the training provider and operator.	
Deficiency detection and correction: What is the procedure for detecting, reporting, and resolving training deficiencies before further training is accomplished by the training provider?	
Contract personnel selection and approval process: CSI and CCA approval process: Procedure for documenting instructor and evaluator qualifications, training and approval.	
Contract personnel scheduling: Center procedure for scheduling only qualified and authorized CSI and CCA for operator training and evaluation.	
CSI and CCA training qualification and checking records: Determine recordkeeping system to be used to assure that contract personnel are in compliance with operator requirements. Assign the responsible person and the approved location for the retention of records. Establish operator access to training provider personnel records. Establish process for review of all CSI and CCA who provide contract training and evaluation to determine if all required requirements and qualifications are continually met.	
Document Control: Procedures for the control of documents (training materials, manuals, program/curriculum and records), their duplication, transmittal, archival storage, and disposition. Who is responsible and process?	
Quality Assurance: Determine the process to assure CSI continuing ability to provide competent instruction for the operator. Determine the process to assure CCA continuing ability to provide competent evaluations for the operator.	
Flight training equipment qualification and maintenance: Procedures for operator notification of simulator deficiencies or limitations affecting training and evaluation. Are daily inspections conducted? Are deficiencies recorded? Are changes in installed equipment or modifications made and recorded?	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Administration Establishes responsibility, policies, methods, and procedures for the annotation, maintenance, control of training, evaluation records, certificates, and documents.

SUBJECT	COMMENTS
CSI and CCA standardization: Establish a process to maintain standardization at all training locations to ensure the timely dissemination of any revisions to the air carrier's policies, procedures, and/or operating requirements either through periodic meetings, read files or internet access. This information must cover any issues and topics that may require clarification or emphasis to enable the training center employees, instructors, and check airmen to comply with the operator's policies and procedures. Procedures must include the ability and requirement that this information will be readily accessible and reviewed on an ongoing basis by all CSI and CCA who are authorized to conduct training and/or evaluations for the operator.	
Personnel scheduling: Are students limited to maximum of 8 hours of training during a 24 hour period? Are CSI and CCA limited to 8 hours of duty?	
Student status: Accurate reporting of progress during ground simulator/flight training. Procedures for formal notification of completion, dismissal, failure of training and evaluations.	
Airman certification file disposition:	
Notification of unsatisfactory test or check: How and when is the operator notified of unsatisfactory performance?	
Other:	

Air Operator Contract Training OpSpec A031 Standardization Review Process

Maintenance Program ABC Airlines and XYZ Training Center

To enable the continuance of an effective standards program, both operator and contract training provider will establish a system of policies and procedures to enhance and maintain communication among all concerned personnel.

Information Exchange The contract training provider will appoint a “Customer Liaison” who will maintain a close working relationship with a designated operator counterpart. This individual will be responsible for the resolution of minor issues concerning standardization and administration that may come up from time to time. Additionally, he/she will ensure timely recognition of potential problems while ensuring those areas requiring management resolution and/or program modification are brought to the operator’s attention in a timely manner. Matters regarding revisions to the training provider’s curriculum, personnel, courseware or flight training equipment as well as changes to the operator’s approved training program and recordkeeping systems, are a necessary part of the information exchange process.

Standardization Meetings Periodic meetings and teleconferences will be scheduled to provide ongoing consistency and standardization within the programs. These meetings and teleconferences will involve all necessary personnel to enable timely dissemination and/or the implementation of any changes that may be made by the operator to its respective training and evaluation curricula, or by the training provider to its organizational support structure as that structure relates to the training/evaluation of the air carrier’s flight crewmembers, standardization of contract personnel

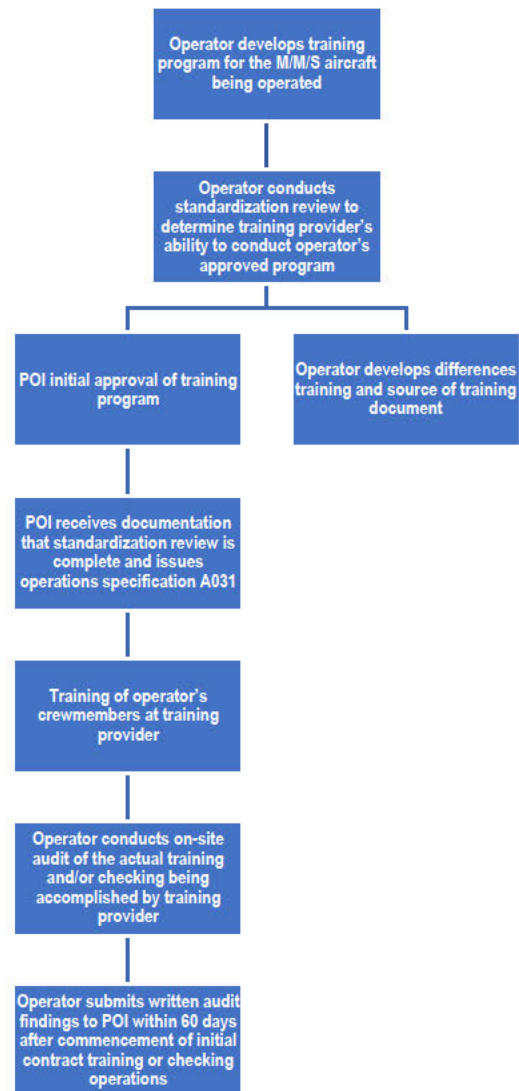
Air Operator Contract Training OpSpec A031 Standardization Review Process

3. SOURCE OF TRAINING DOCUMENT: The air carrier and training provider that is providing services to a certificated air carrier should prepare a written document that specifically details the portions of the air carrier's training program they have been approved to provide.

NOTE: A sample Source of Training Document has been developed and is available from the AFS-210 web site. This document is a reference guide only. It has been provided to illustrate one method of providing the air carrier and its POI with information detailing the center's understanding of the training that has been approved for them to provide the air carrier.

CFR Part: _____ Training Category: _____ Position: _____
Aircraft Make: _____ Model/Series: _____/_____ Simulator: _____
Air Carrier: _____ Date: _____
Training Center: _____ Date: _____
POI: _____ Date: _____

Air Operator Contract Training OpSpec A031 Standardization Review Process Contract Training Standardization Review and Audit Process



FAA Internal Whistleblower Case IWB21802
Systemic OPSS Disclosures - Office of Audit & Evaluation



Federal Aviation Administration

Memorandum

Date: March 11, 2021

To: [REDACTED]

From: [REDACTED], Director, Office of Audit and Evaluation

Subject: Disclosures to the Office of Audit & Evaluation (AAE)

In June 2019, after unsuccessful attempts to report discrepancies, or organizational and operational vulnerabilities through various AVS reporting means, you recommended the FAA establish an “employee safety reporting program.” In response, I encouraged you to utilize the FAA Hotline for such reports. Since then, you have filed over 650 reports on varying systemic issues centric to the use of Flight Standards’ Web-Based Operations Safety Systems (WebOPPS) and currency of data collected and maintained therein. To date, substantiated reports clearly point to a systemic weakness with WebOPPS that appears to hinder optimal operator oversight by the certificate holding office. Therefore, please accept this memorandum as an acknowledgment of your disclosures related, to WebOPPS and data collected therein, which includes but is not limited to, Operation Specifications, Letters of Authorization, aircraft insurance, air carrier fitness citizenship, and other (non WebOPPS related) operational issues, such as active registration of destroyed aircraft.

As a result of the number of substantiated allegations, I have asked my Chief Investigator to assess and summarize the findings related to your disclosures and I will make appropriate recommendations to the Administrator, pursuant to the provisions of Title 14 USC Section 106(t)(3)(A)(iii) under case number IWB21802. We will note your identity and contributions in any memorandum prepared in this case, per your verbal consent. In addition to our efforts, Flight Standards’ Quality Control and Investigations (AFB-470) is engaged in analyzing the root cause that led to the discrepancies reported and are coordinating a corrective action plan with cognizant AFX stakeholders.

Going forward, new or pending disclosures of the nature described above, will be assigned as “Action as Appropriate” to Flight Standards. These assignments will include unresolved disclosures originally managed through Flight Standards’ Quality Management System and will now require attention through the hotline process. An investigative results report will not be required. Instead, to ensure accountability, the Hotline Brief will include a prominent instruction requiring the assigned responsible oversight office to document their receipt, assessment and corrective action in the appropriate Safety Assurance System (SAS) application.

While we continue to provide an avenue for you to report discrepancies, we believe these procedures will help address the individual reports more efficiently, while raising awareness of the overarching systemic issues and making significant recommendations for corrective action.

AAE File #AAE10-12-0024(A)
Report of Internal Whistleblower Contribution
System Approach to Safety Oversight (SASO) /Safety
Assurance System (SAS)



Federal Aviation Administration

Memorandum

Date: August 17, 2017

To: [REDACTED] Manager, Audit and Analysis Branch, AAE-100

From: [REDACTED]
AAE 100

Subject: Recommended Closure of Internal Whistleblower Contribution, SASO, AAE
File #AAE10 12 0024A

In October 2012, [REDACTED] Manager, Analysis and Information Program Office (AIPO), Flight Standards National Field Office (AFS-900), submitted a complaint to AAE claiming deficiencies in System Approach to Safety Oversight (SASO) program. [REDACTED] claimed the program was mismanaged and was no longer a standardized and comprehensive safety system for AFS.

The SASO program office developed a foundation then evolved and updated the Safety Assurance System (SAS) as the new FAA oversight model. The Joint Resources Council (JRC) reviewed and identified numerous deficiencies in the program and made recommendations to AFS. AFS then took significant action to re direct the original SASO program. Contemporaneously, the contributor's disclosure provided a higher level of visibility to concerns with the new oversight model. This led to significant action by AVS to redirect the automation project which included redefining program requirements that significantly downscaled the original overall plan for SAS while maintaining the same general purpose.

SAS was successfully deployed throughout AFS in December 2015. Subsequent development is multi-phased as AFS planned to further develop SAS to accommodate all remaining Federal Aviation Regulations (FAR) into the system and incorporate safety analysis capabilities. SAS is currently in Phase III: In Service Management (FY17 22). All indications support that the JRC has continued rigorous oversight of the program despite the considerable challenges associated with the number of varying FAR parts to be integrated

The matter was addressed and corrected by AFS. No further action is required by AAE at this time. I recommend this matter be closed.

Concur: _____

Date: 8/17/2017

Non concur: _____

Date: _____

[REDACTED] Manager (AAE-100)

AAE File #AAE10-12-0024(F)
Report of Internal Whistleblower Contribution
Safety Performance Analysis System (SPAS)



Federal Aviation Administration

Memorandum

Date: JUN 11 2014 [REDACTED]
To: [REDACTED] Administrator [REDACTED]
From: [REDACTED] Director, Office of Audit and Evaluation (AAE-1)
Subject: Report of Internal Whistleblower Contribution - Safety Performance
Analysis System (SPAS) AAE File #AAE10 12 0024(F)

The Office of Audit and Evaluation (AAE) received an internal whistleblower disclosure, under the "FAA Modernization and Reform Act of 2012," (P.L. 112 95, Section 341.3), from [REDACTED], Manager, Analysis and Information Program Office¹ (AIPO), Flight Standards National Field Office (AFS-900), concerning the Safety Performance Analysis System (SPAS), a Flight Standards (AFS) web-based safety related data analysis tool. AIPO² manages SPAS for AFS. [REDACTED] provided AAE written consent to disclose his identity.

[REDACTED] considers SPAS increasingly unreliable because of deficiencies in data quality and reliability, technical system requirements and enhancements, and system and program funding. [REDACTED] claimed that SPAS business needs were not prioritized because the overall impact of SPAS on aviation safety oversight was not seriously considered. [REDACTED] also noted that SPAS is an AFS mission critical system, and deficiencies in the system could negatively affect an Aviation Safety Inspector's (ASI) oversight responsibilities. In June 2013, AAE referred this matter to the Office of Information & Technology (AIT) for an independent investigation.

AIT substantiated [REDACTED] claims. Their investigation found that the FAA should consider replacing or modernizing SPAS to meet the rapidly evolving needs of its users, and to comply with a Congressional mandate to maintain a safety performance analysis system. AIT recommends that current functionality in SPAS must be maintained until it is either replaced or modernized.

We concur with AIT's findings and recommendations and agree that SPAS deficiencies could potentially impact the safety oversight of our aviation system.

¹ AIPO is responsible for providing AFS executives with operational and organizational risk metrics that will assist them with their decision-making.

² FSI 100.1C, Flight Standards Service Organizational Handbook, Chapter 14, Section 8, Paragraph C.

**Letter of Caution from FAA Management
for supporting DOT-OIG Audit of the Aviation Safety
Information Analysis and Sharing (ASIAS) system**



Federal Aviation Administration

Memorandum

Date: August 10, 2012

To: [REDACTED] Manager, Analysis and Information Program Office, AFS-900

From: [REDACTED] Acting Manager, Flight Standards National Field Office, AFS-900

Subject: Letter of Caution

The purpose of this letter is to caution you about violations of the Standards of Conduct, Human Resources Policy Manual (HRPM) Volume 4: Employee Relations ER-4.1. The specific details in support of this action are as follows:

Employee Relations ER-4.1, 3 (e) requires managers to "Embrace, fully support and comply with all DOT and FAA regulations, policies and programs. Take necessary corrective action when employees under their supervision commit offenses."

On June 13, 2012 you were designated the Flight Standards Service (AFS) point of contact to facilitate the Department of Transportation (DOT) Office of Inspector General's (OIG) audit of the Air Safety Information Analysis and Sharing System (ASIAS). ASIAS, along with other FAA voluntary programs, are designed to promote aviation safety through the voluntary sharing of data and information by industry, labor groups, and the FAA. This is accomplished by sharing their experiences without apprehension that the DOT/FAA might exercise their punitive powers. Obviously candor, trust and confidence among the parties are required for the program to work.

The Inspector General's Office requested information on the submission of quarterly Safety Enhancement Reports to FAA headquarters, specifically the four following procedural questions:

- 1) Do these Quarterly Safety Enhancement Reports come through you (if not, who do they go to) and do you have access to these reports and the database mentioned?
- 2) What is the database mentioned and who is responsible for it? Does it interact with ASIAS in any way?
- 3) Who distributes/compiles/posts the newsletter mentioned?
- 4) Is it possible to get a few recent newsletters posted on the website?

Instead of your answers being succinct, direct, and material and therefore helpful, you used this request to serve as a forum for your own views on the efficacy of the ASIAS and other voluntary programs by criticizing managers and providing unsolicited personal opinions on policies and programs of the Agency.

In the process, you abused the trust and confidence of the Management of AFS by releasing internal emails and correspondence, opining that the Agency should be doing more therefore implying management is inept, and then making judgments and recommendations not fully supported by the facts. Finally, you erroneously concluded that the Agency is "failing to integrate and understand the intelligence that we already had," suggesting that you are the sole repository of expertise on the ASIAS program, again implying the ineptitude of AVS and AFS-900 management.

I must point out to you that you are a frontline manager and not the Assistant Administrator for Aviation Safety. While we welcome constructive criticism, experience shows that best results obtain when this criticism is filtered through the varied and extensive experience found in AFS-900 management. I welcome any suggestions you might have to improve any of the programs for which AFS-900 is responsible.

That being said, you are to embrace, fully support and comply with all DOT and FAA regulations, policies and programs.

You are not to share internal e-mails and correspondence with third parties without prior permission from me. It is absolutely necessary for employees to be candid with each other in their professional relationships. Releasing emails in which employees have an expectation that their deliberations will not be disclosed can have a chilling effect.

In order to engender public confidence in our programs it is necessary that the Agency speaks with one voice. To do otherwise, diminishes the efficiency of the Federal service and could ultimately inhibit the success of our mission of aviation safety. Your unsolicited opinions contradicting AVS programs may well have the counterproductive effects of undermining public confidence and defeating the requisite trust of all parties to these programs. Therefore, in dealing with persons and entities outside of AFS-900 you are to use tact and discretion and first speak with me to resolve any doubts you might have about the release of information.

I have discussed with you the errors in judgment committed by you in performing your duties as a facilitator. Considering your intelligence and managerial experience I find these errors perplexing, none-the-less I believe that formal counseling is the most beneficial remedy for you and the Agency.

This Letter of Caution will not be made part of your Official Personnel File, but I will retain custody of it for twelve months at which time it will be destroyed.

In the event that you may have personal or health related problems, assistance is available through the Employee Assistance Program (EAP). This is a free and confidential service and you are encouraged to take advantage of this assistance if you feel it necessary to do so. You can seek assistance by calling the EAP Hotline at 1-800-234-1EAP or visiting the EAP website at www.magellanhealth.com/member.

Questions concerning this Letter of Caution should be directed to HR Specialist [REDACTED]
[REDACTED] in the Eastern Region, Human Resources Division at [REDACTED]

Email to FAA Administrator on March 24, 2021

[REDACTED]

From: [REDACTED]
Sent: Wednesday, March 24, 2021 6:31 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FAA Internal Whistleblower Case IWB21802 - Systemic Disclosures to the Office of Audit & Evaluation (AAE)
Attachments: Memo AAE1 to [REDACTED] Signed 03.11.2021.pdf; FAA Hotline Submission- Agency Employee Safety Reporting (ESR) Program.pdf; Final Signed- Safety Recommendations about Federal Aviation Administration (FAA) Hotline and Whistleblower Submissions.pdf; SIGNED- FINAL FAA Safety Recommendations about Federal Aviation Administration Hotline System Program and Guidance.pdf; FAA Safety Recommendation- Aviation Safety Stand Down- Signed.pdf; SIGNED- FINAL FAA Safety Recommendations about Federal Aviation Administration Hotline System Program and Guidance.pdf; CST Aviation Report (2).pdf

Confidential Submission- Please do not release my name
This email was also sent as BCC to other persons who may have a need to know.

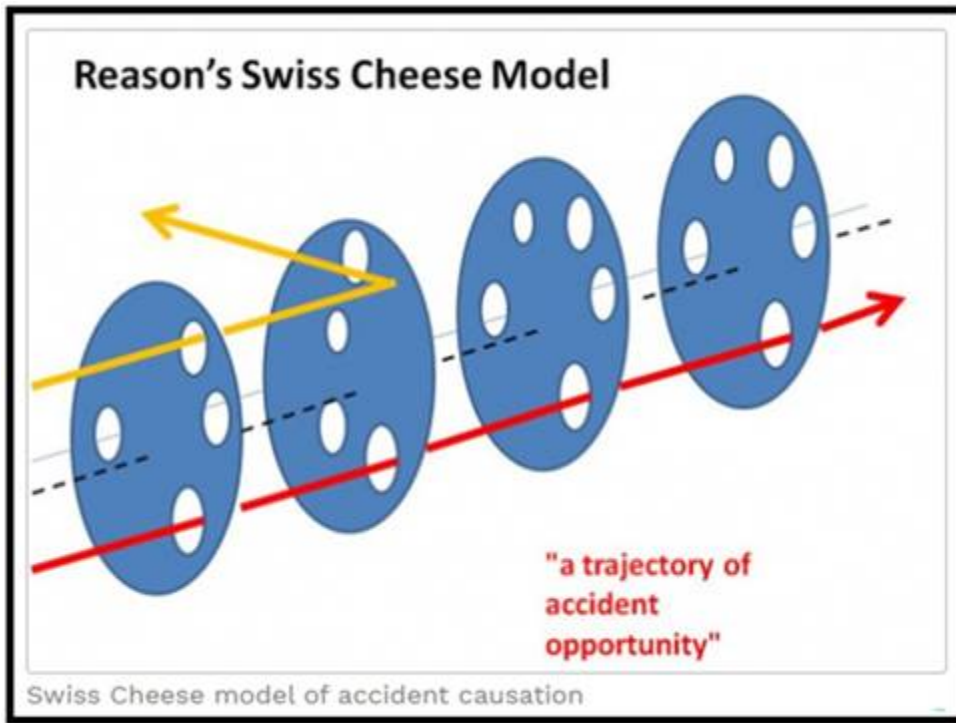
Administrator Dickson,

Your recent [video highlighting the second anniversary of the crash of Ethiopian Airlines Flight 302](#) reinforced my strong commitment to improving aviation safety and our collective duty to the traveling public.

The purpose of my message to you is to alert you of many missed opportunities that could prevent the next accident, incident or occurrence. The systemic issues reported to the FAA Hotline and Office of Special Counsel (OSC) **over the past decade** could represent the holes described in the James Reason Swiss Cheese Model.

In the Swiss Cheese model, an organization's defenses against failure are modelled as a series of barriers, represented as slices of the cheese. The holes in the cheese slices represent individual weaknesses in individual parts of the system, and are continually varying in size and position in all slices. The system as a whole produces failures when holes in all of the slices momentarily align, permitting "a trajectory of accident opportunity", so that a hazard passes through holes in all of the defenses, leading to an accidentⁱ. James Reason hypothesizes that most accidents can be traced to one or more of four levels of failure:

- Organizational influences,
- Unsafe supervision,
- Preconditions for unsafe acts, and
- The unsafe acts themselves.



The attached memo from the Office of Audit and Evaluation (AAE) dated March 11, 2021 shows **"In June 2019, after unsuccessful attempts to report discrepancies, or organizational and operational vulnerabilities through various AVS reporting means, you recommended the FAA establish an "employee safety reporting program." In response, I encouraged you to utilize the FAA Hotline for such reports. Since then, you have filed over 650 reports on varying systemic issues** centric to the use of Flight Standards' Web-Based Operations Safety Systems (WebOPPS) and currency of data collected and maintained therein. **To date, substantiated reports clearly point to a systemic weakness with WebOPPS that appears to hinder optimal operator oversight by the certificate holding office..."**

Please note that those 650 reports referenced in the attached memo very likely highlight thousands of safety issues & concerns (opportunities) reported to the FAA Hotline. The memo from AAE-1 does not address the many other issues (opportunities) reported to the FAA Safety Recommendation Program and OSC.

While I am hopeful that the new AVS Voluntary Safety Reporting Program will be successful I am worried that the program will suffer some of the same setbacks I have noted with other reporting systems/programs. For example will the new VSRP be able to identify emerging trends or create graphs that appear to show success? The AVS Dashboard shown below could be used as indicator of emerging trends related to Hotlines however it seems to focus attention on just the overdue Safety/Administrator Hotlines cases.

1. **Critical Thinking Question-** The graph could be misleading. Did you know that all it takes is an email requesting an extension from AAE for the overdue status on the AVS Dashboard graph to change from **Overdue** to **On -Time**?

[AVS Dashboard – Hotline Metric](#)



2. **Critical Thinking Question-** Who within the FAA accepts the risk of a safety concern that was properly reported to the Hotline while it is in the queue to be investigated?
 - **NOTE- FAA Hotline Case 20191119013 has been open for over 408 days.** FAA Policy is to complete an investigation and send a report to AAE within 45 days.
3. **Critical Thinking Question-** How many other Hotline Cases have not investigated and report written within the 45 day requirement outlined in FAA Order 1070.1A and FAA Order 8900.1?

Suggested Recommendations

1. **AVS should create a new Dashboard Metric that tracks and trends Hotline (Administrator & Safety) subject areas for the purpose of identifying systemic issues before there are unintended consequences.**
 - [REDACTED] Opinion- It should not take 600+ Hotline submissions before an issue is labeled systemic.
2. **AVS should create a new Dashboard Metric that tracks the total time it takes to complete a Hotline (Administrator & Safety) investigation.**
 - FAA Order 1070.1A and 8900.1 require cases to be investigated and final report provided to AAE within 45 days, unless extension is granted.
 - Blanket Extensions of Hotline Due dates do nothing to mitigate the reported hazard.
3. **AVS should develop a written process for identifying, tracking, reporting and resolving systemic issues.**

In closing, my experience and frustration related with raising safety concerns may not be unique. A recent [report by the United States Senate Committee on Commerce, Science, and Transportation](#) highlights many operational and organizational concerns that were reported by FAA employees to a Senate Investigative Team. Maybe a future Straight from Steve message could discuss this Senate report and the steps the Agency is taking to address these types of missed "opportunities".

As always I stand by to help the organization tackle these important safety issues.

[REDACTED]
Aviation Safety
Aviation Safety Inspector, [REDACTED]
[REDACTED]

ⁱ https://www.skybrary.aero/index.php/James_Reason_HF_Model

Email exchange with DOT Secretary Buttigieg

[illegible]